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# United States Department of Agriculture

## SERVICE AND REGULATORY ANNOUNCEMENTS

### BUREAU OF CHEMISTRY

### SUPPLEMENT

N. J. 13501-13550

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 10, 1925]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13501. Adulteration of canned salmon. U. S. v. 250 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned.** (F. & D. No. 19068. I. S. No. 6258-v. S. No. C-3020.)

On October 17, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 cases of salmon, remaining in the original unbroken packages at McKinney, Tex., alleging that the article had been shipped by the Carlisle Packing Co., from Seattle, Wash., September 4, 1924 (1923), and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Heron Brand Pink Salmon \* \* \* Distributed by Carlisle Packing Co. Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 6, 1925, the Carlisle Packing Co., Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be salvaged and reconditioned in accordance with law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13502. Adulteration and misbranding of butter. U. S. v. Joseph A. Long, Florence Colelessor, John Heddington, Dan Ashcraft, and Lou Smith (J. A. Long Co.). Pleas of guilty. Fine, \$300 and costs.** (F. & D. No. 19271. I. S. Nos. 2233-v, 2326-v, 2327-v.)

On May 15, 1925, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against Joseph A. Long, Florence Colelessor, John Heddington, Dan Ashcraft, and Lou Smith, trading as J. A. Long Co., Union City, Ind., charging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on June 7 and 30, and August 9, 1923, respectively, from the State of Indiana into the State of New York, of quantities of butter which was adulterated and a portion of which was also misbranded. One shipment was contained in packages labeled in part: "Pure Creamery Butter." Two shipments of the said article was contained in tubs and was billed or invoiced as butter.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the said samples averaged 16.25 per cent, 16.44 per cent, and 15.86 per cent, respectively, of moisture and 79.17 per cent, 78.96 per cent, and 79.93 per cent, respectively, of milk fat.

Adulteration of the article was charged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as prescribed by the act of March 4, 1923.

Misbranding of the portion of the product contained in packages was charged for the reason that the statement, to wit, "Pure Creamery Butter," borne on the said packages, was false and misleading, in that the said statement represented that the article consisted wholly of pure creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure creamery butter, whereas it did not so consist but did consist of a product deficient in milk fat and containing an excessive amount of moisture. Misbranding of the said portion of the product was charged for the reason that the statement, to wit, "Butter," borne on the packages, was false and misleading in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On June 2, 1925, the defendants entered pleas of guilty to the indictments, and the court imposed a fine of \$300 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13503. Adulteration and misbranding of olive oil and misbranding of salad oil.** U. S. v. Nathan Yohalem and Joseph Diamond (Yohalem & Diamond). Pleas of guilty. Fine, \$100. (F. & D. No. 16957. I. S. Nos. 6412-t, 6413-t, 6414-t, 6611-t, 6612-t, 6613-t, 6684-t, 6685-t, 6686-t, 8074-t, 8075-t, 8100-t.)

On March 21, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nathan Yohalem and Joseph Diamond, copartners, trading as Yohalem & Diamond, New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on or about April 21, 1921, from the State of New York into the State of New Jersey, on or about May 10 and 23, 1921, respectively, from the State of New York into the State of Connecticut, and on or about May 21, 1921, from the State of New York into the State of Pennsylvania, of quantities of olive oil which was adulterated and misbranded, and on or about May 21, 1921, from the State of New York into the State of Pennsylvania, of a quantity of salad oil which was misbranded. The olive oil was labeled in part: (Can) "Olio Puro D'Oliiva \* \* \* Pure Olive Oil White Star Brand Net Contents One Half Gallon" (or "Net Contents One Full Gallon" or "Net Contents One Full Quart" or "Net Contents One Quarter Gallon" or "Net Contents One Eighth Gallon"). Respective portions of the said olive oil were further labeled "White Star Olive Oil Co. Lucca, Italy. N. Y. U. S. A. Y. D." or "Yohalem & Diamond Importers & Packers Lucca, Italy & N. Y.," as the case might be. The salad oil was labeled in part: (Can) "La Tosca Brand Winter Pressed Cotton Salad Oil Flavored With High Grade Genuine Olive Oil. A Compound Net Contents 1 Gallon."

Analyses of samples of the olive oil by the Bureau of Chemistry of this department showed that the said samples contained cottonseed oil. Examination of said olive oil showed that the gallon and half-gallon cans contained less than declared. Analysis of a sample of the salad oil showed that it consisted chiefly, if not entirely, of cottonseed oil. Examination of said salad oil showed that the cans contained less than 1 gallon of the product.

Adulteration of the olive oil was alleged in the information for the reason that cottonseed oil had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for olive oil, which the said article purported to be.



Misbranding of the said olive oil was alleged for the reason that the statements, to wit, "Pure Olive Oil," "Olio Puro D'Oliiva," and "Lucca, Italy," borne on the cans containing the article, and the statements "Net Contents One Half Gallon" or "Net Contents One Full Gallon," as the case might be, borne on the cans containing a portion of the said article, were false and misleading, in that they represented that the article was olive oil, that it was a foreign product, to wit, a product produced in Lucca, Italy, and that the cans containing the said portion contained 1 gallon or one-half gallon of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, and that the cans containing the said portion contained 1 gallon or one-half gallon of the article, as the case might be, whereas it was not olive oil but was a product composed in whole or in part of cottonseed oil, it was not a foreign product but was a domestic product produced in the United States of America, and the cans containing the said portion contained less of the product than declared on the labels. Misbranding was alleged for the further reason that it was a product composed in whole or in part of cottonseed oil prepared in imitation of and offered for sale under the distinctive name of another article, to wit, olive oil, and for the further reason that the statements borne on the labels purported the article to be a foreign product when not so.

Misbranding of the salad oil was alleged for the reason that the statements, to wit, "Flavored With High Grade Genuine Olive Oil" and "Net Contents 1 Gallon," borne on the cans containing the article, were false and misleading, in that they represented that the article was a product flavored with high grade genuine olive oil, and that each of the said cans contained 1 gallon net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product flavored with high grade genuine olive oil, and that each of the said cans contained 1 gallon net thereof, whereas it was not a product flavored with high grade genuine olive oil but was a product which contained no flavor of olive oil, and each of said cans did not contain 1 gallon net of the article but did contain a less amount.

Misbranding was alleged with respect to both products for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 15, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13504. Adulteration of chestnuts. U. S. v. 38 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19421. I. S. No. 4902-v. S. No. C-4597.)**

On December 23, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 38 barrels of chestnuts, remaining in the original unbroken packages at Youngstown, Ohio, alleging that the article had been shipped by the Italian Importing Co., New York, N. Y., on or about October 22, 1924, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 2, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13505. Adulteration and misbranding of canned tuna. U. S. v. 9 Cases of Tuna. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19931. I. S. No. 14381-v. S. No. E-5198.)**

On March 28, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of tuna, remaining in the original unbroken packages

at Greenfield, Mass., alleging that the article had been shipped by M. De Bruyn Importing Co., from New York, N. Y., December 6, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "California Tuna Standard All Light Meat."

Adulteration of the article was alleged in the libel for the reason that a substance, fish other than tuna, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statement "Tuna Standard All Light Meat," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 8, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13506. Misbranding and alleged adulteration of canned tuna fish. U. S. v. 24½ Cases, et al. of Tuna Fish. Default decree, adjudging product misbranded and ordering its destruction.** (F. & D. Nos. 19960, 19961. I. S. Nos. 14737-v. 14738-v. S. No. C-4698.)

On or about April 2, 1925, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 49 cases of tuna fish, at Johnson City, Tenn., alleging that the article had been shipped by the M. De Bruyn Importing Co., from New York, N. Y., on or about February 19, 1925, and transported from the State of New York into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Selected Quality \* \* \* California Tuna \* \* \* All Light Meat."

It was alleged in the libels that the article was adulterated, in that a substance, yellowtail, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "California Tuna Standard All Light Meat," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 25, 1925, no claimant having appeared for the property, judgments of the court were entered, finding the product misbranded and ordering that it be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13507. Adulteration and misbranding of malt sirup. U. S. v. 40 Cases of Malt Sirup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14868. I. S. No. 5951-t. S. No. E-3363.)

On May 17, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 cases, each containing a number of cans, of malt sirup, remaining in the original unbroken packages at Jamestown, N. Y., alleging that the article had been shipped by the Michigan Malted Milk Co., from Jackson, Mich., August 23, 1920, and transported from the State of Michigan into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "(Can) "2½ Lbs. Net Weight, Michi-Gander Brand Malt Syrup \* \* \* Michigan Malted Milk Co., Jackson, Mich."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, vegetable substance.

Misbranding was alleged for the reason that the net weight of the contents of the said cans was not correctly marked on the outside thereof.

On October 29, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13508. Adulteration and misbranding of tomato sauce. U. S. v. 250 Cases of Tomato Sauce. Product relabeled and costs assessed. (F. & D. No. 19440. I. S. No. 17108-v. S. No. E-5064.)**

On December 27, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 cases of tomato sauce, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Hershel California Fruit Products Co., from San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about October 27, 1924, and transported from the State of California into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Naples Style Tomato Sauce Contadina Brand With Basil \* \* \* Packed By Hershel Cal. Fruit Prod. Co., San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, artificially colored tomato pulp or sauce, had been substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading, since the said article was composed of tomato sauce and artificially colored tomato paste or sauce.

On February 16, 1925, Harry Coroneos, Philadelphia, Pa., having appeared as claimant for the property and having relabeled the product in a manner satisfactory to this department, the costs of the proceedings were assessed against the said claimant.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13509. Adulteration of canned sardines. U. S. v. 17 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19977. I. S. No. 17425-v. S. No. E-5270.)**

On April 13, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cases of sardines, remaining in the original unbroken packages at Salem, Va., alleging that the article had been shipped by the Bayshore Sardine Co., from Columbia, Me., October (10), 1924, and transported from the State of Maine into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "B & S Brand American Sardines \* \* \* Packed By Bayshore Sardine Co. Addison, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 9, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was subsequently ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13510. Adulteration and misbranding of cottonseed meal. U. S. v. Planters Oil Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 19293. I. S. Nos. 18226-v, 18228-v.)**

On February 20, 1925, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Oil Co., a corporation, Albany, Ga., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about February 27 and March 22, 1924, respectively, from the State of Georgia into the State of Alabama, of quantities of cottonseed meal, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled in part: "Standard Cotton Seed Meal Guaranteed Analysis Ammonia, 7.00 percent \* \* \* Protein, 36.00 percent Fibre 14.00 percent \* \* \* Ingredients—Cotton Seed Meal and Hulls Manufactured By Planters Oil Co. Albany, Ga."

Examination by the Bureau of Chemistry of this department of a sample from the consignment of February 27, 1924, showed that it contained an appreciable amount of peanut hulls. Analyses of a sample from each of the two consignments showed that the said samples contained 6.76 per cent and 6.77

per cent, respectively, of ammonia, 34.75 per cent and 34.81 per cent, respectively, of protein, and 15.38 per cent and 16.93 per cent, respectively, of fiber.

Adulteration was alleged in the information with respect to the product consigned February 27, 1924, for the reason that a substance, to wit, peanut hulls, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, to wit, "Standard Cotton Seed Meal Guaranteed Analysis Ammonia, 7.00 percent \* \* \* Protein, 36.00 percent Fibre 14.00 percent," with respect to both consignments of the product, and the statement, "Ingredients—Cotton Seed Meal and Hulls," with respect to one shipment thereof, borne on the labels, were false and misleading, in that the said statements represented that the article contained 7 per cent of ammonia, 36 per cent of protein, and not more than 14 per cent of fiber, and that the said portion was composed solely of cottonseed meal and cottonseed hulls, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 7 per cent of ammonia, 36 per cent of protein, and not more than 14 per cent of fiber, and that the said portion was composed solely of cottonseed meal and cottonseed hulls, whereas the article contained less than 7 per cent of ammonia, less than 36 per cent of protein, and more than 14 per cent of fiber, and the said portion was composed in part of peanut hulls.

On June 24, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13511. Adulteration of canned salmon. U. S. v 35 Cases, et al., of Salmon. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 18872, 18973, 18974, 18975. I. S. No. 16723-v. S. No. E-4952.)

On August 5, 1924, and January 15, 1925, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 85 cases and 50 cans of salmon, remaining in the original unbroken packages at Macon, Ga., alleging that the article had been shipped by the F. C. Barnes Co., from Portland, Oreg., on or about June 12, 1924, and transported from the State of Oregon into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Superior Stock Brand Packed By Jeldness Bros. & Co. Astoria Ore., \* \* \* Columbia River Royal Chinook Salmon."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On June 23, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13512. Adulteration of frozen mixed eggs. U. S. v. 44 Cans of Frozen Mixed Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18446. I. S. No. 13138-v. S. No. E-4766.)

On March 5, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of forty-four 30-pound cans of frozen mixed eggs, at Jersey City, N. J., alleging that the article had been shipped by the Manhattan Egg Co., New York, N. Y., on or about May 18, 1923, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole of a filthy, decomposed, and putrid animal substance.

On July 2, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13513. Adulteration and misbranding of apple pectin assorted jellies. U. S. v. 49 Cases of Apple Pectin Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19956. I. S. Nos. 14104-v to 14109-v, incl. S. No. E-5196.)**

On April 3, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 cases of apple pectin assorted jellies, at Trenton, N. J., alleging that the articles had been shipped by the Colonial Preserve Co., Philadelphia, Pa., on or about February 18, 1925, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Carton) "Mother Cook Brand Jelly"; (carton and retail jar) "Colonial Preserve Co. Philadelphia."

Adulteration of the articles was alleged in the libel for the reason that substances, colored pectin jellies, had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength and had been substituted wholly and in part for the said articles.

Misbranding was alleged for the reason that the statements "Apple Pectin Plum Jelly," "Apple Pectin Strawberry Jelly," "Apple Pectin Raspberry Jelly," "Apple Pectin Blackberry Jelly," "Apple Pectin Grape Jelly," and "Apple Pectin Currant Jelly," borne on the labels of the retail jars containing the respective articles, and the statement "Jelly," borne on the cartons, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On June 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13514. Adulteration and misbranding of candy. U. S. v. 30 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19203. I. S. No. 14023-v. S. No. E-5024.)**

On or about November 28, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 boxes of candy, at Elizabeth, N. J., alleging that the article had been shipped by the Sphinx Chocolate Corp., Brooklyn, N. Y., on or about October 17, 1924, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Box) "Sphinx 210 Milk Chocolate Decorated Pineapples 5 Lbs. Mfd By Sphinx Chocolate Corp. Brooklyn, N. Y."; (placard inside and on top of box) "Beware Of Imitations Insist on getting the original Pure Milk Chocolate Pineapples Sphinx \* \* \* In The Wooden Box Originated by Sphinx Chocolate Corp., Brooklyn, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, pineapple cores bearing a coating deficient in milk solids, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement "Milk Chocolate Pineapples" and cut of a whole pineapple and cross section of a pineapple, borne on the box, and the statements "Beware Of Imitations Insist on getting the original Pure Milk Chocolate Pineapples," borne on the said placard, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13515. Adulteration of canned salmon. U. S. v. 8 Cases of Salmon. Decree of condemnation and forfeiture. Product delivered to fish hatcheries for fish food. (F. & D. No. 17827. I. S. No. 12056-v. S. No. W-1419.)**

On September 14, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Stuart Packing Corp., from Ketchikan, Alaska, July 21, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Nemo Pink Salmon Packed By Stuart Packing Corp. \* \* \* Seattle."

Adulteration of the article was alleged in the information for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 22, 1923, the Stuart Packing Corp., Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the State hatcheries to be used as fish food.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13516. Adulteration and misbranding of coffee. U. S. v. 100 Pounds of Coffee. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution or destroyed. (F. & D. No. 19887. I. S. No. 16380-v. S. No. E-5166.)**

On March 11, 1925, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 pounds of coffee, remaining in the original unbroken packages at Macon, Ga., alleging that the article had been shipped by the Private Estate Coffee Co., from New York, N. Y., on or about February 18, 1925, and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Fibre case) "From Private Estate Coffee Company, New York." The bags containing the article had the statement "16 oz. Net" stamped on the bottom thereof and the statement in very small inconspicuous type "Coffee & Chicory."

Adulteration of the article was alleged in the libel for the reason that substances, cereal and chicory, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the designation "Coffee & Chicory," borne on the bags containing the article, was false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 25, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution if found not deleterious to health, or if such fact could not be established that it be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13517. Adulteration and misbranding of scallops. U. S. v. Sidney F. Smith and Laura Smith (S. F. Smith Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 19246. I. S. No. 12895-v.)**

On March 21, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sidney F. Smith and Laura Smith, copartners, trading as S. F. Smith Co., Oyster, Va., alleging shipment by said defendants from Cheriton, Va., in violation of the food and drugs act, on or about March 20, 1924, from the State of Virginia into the State of New York, of a quantity of scallops which were adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, scallop solids, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was a product composed in part of water and was offered for sale and sold under the distinctive name of another article, to wit, scallops.

On May 15, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13518. Adulteration and misbranding of olive oil. U. S. v. Nicholas Sadaka. Plea of guilty. Fine, \$10. (F. & D. No. 16828. I. S. Nos. 5535-t, 5536-t, 5537-t.)**

On March 12, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas Sadaka, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about August 25, 1921, from the State of New York into the State of Massachusetts, of quantities of olive oil which was adulterated and misbranded. One article was labeled in part: "Puritana Brand Virgin Olive Oil Lucca Toscana Contents 1 Gallon." The other article was labeled in part: "Finest Quality Table Oil Termini Imerese Type Net Contents One Gallon Cottonseed Salad Oil Slightly Flavored With Olive Oil."

Analyses of samples of each article by the Bureau of Chemistry of this department showed that they consisted chiefly, if not entirely, of cottonseed oil. Examination of 16 cans of the Puritana brand oil and 22 cans of the table oil showed an average of .807 gallon and .797 gallon, respectively.

Adulteration was alleged in the information with respect to the Puritana brand oil for the reason that cottonseed oil had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for olive oil which the article purported to be. Adulteration was alleged with respect to the table oil for the reason that cottonseed oil had been substituted in whole or in part for olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Finest Quality Table Oil Termini Imerese Type" and "Net Contents One Gallon," together with the design and device of an olive tree with natives gathering olives, with respect to one product, and the statements, to wit, "Olive Oil," "Lucca" and "Contents 1 Gallon," together with the design and device of an olive branch and the map of Italy, with respect to the other, borne on the labels of the cans containing the article, were false and misleading, in that the said statements and designs represented that the articles were olive oil, that each of the said cans contained 1 gallon of the article, and that one article was a foreign product produced in Lucca, Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were olive oil, that each of the said cans contained 1 gallon thereof, and that one article was a foreign product produced in Lucca, Italy, whereas it was not olive oil but was a mixture composed in large part of cottonseed oil, each of said cans did not contain 1 gallon of the article but did contain a less amount, and it was not a foreign product but was a domestic product produced in the United States of America. Misbranding was alleged with respect to the said Puritana brand oil for the further reason that it was a mixture composed in large part of cottonseed oil prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it was falsely branded as to the country in which it was produced, and for the further reason that the statements, designs, and devices borne on the cans purported the article to be a foreign product when not so. Misbranding was alleged with respect to both of the



products for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 15, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13519. Misbranding of oysters and adulteration and misbranding of scallops. U. S. v. Albert L. Doughty. Plea of guilty. Fine, \$50. (F. & D. No. 19256. I. S. Nos. 2355-v, 2356-v, 2977-v, 15883-v, 15884-v.)**

On March 21, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert L. Doughty, trading at Willis Wharf, Va., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, on or about January 29 and 30, 1924, respectively, from the State of Virginia into the State of New York, of quantities of oysters which were misbranded and of a quantity of scallops which were adulterated and misbranded, and on or about January 29, 1924, from the State of Virginia into the State of Pennsylvania and New York, respectively, of quantities of scallops which were adulterated and misbranded. The cans were labeled in part: "Minimum Volume 1 Gallon."

Examination of the articles by the Bureau of Chemistry of this department showed that the scallops contained added water and that the cans contained less than 1 gallon of the respective products.

Adulteration of the scallops was alleged in the information for the reason that water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and for the further reason that added water had been substituted for scallops, which the article purported to be.

Misbranding was alleged with respect to both products for the reason that the statement, to wit; "Minimum Volume 1 Gallon," borne on the cans containing the respective articles, was false and misleading, in that the said statement represented that each of said cans contained 1 gallon of scallops or oysters, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 gallon of scallops or oysters, as the case might be, whereas each of said cans did not contain 1 gallon of the respective products but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 15, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13520. Adulteration and misbranding of horse and mule feed. U. S. v. Norfolk Feed Milling Co. Plea of guilty. Fine, \$50. (F. & D. No. 19245. I. S. Nos. 955-v, 966-v, 3444-v.)**

On March 21, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Norfolk Feed Milling Co., a corporation, Norfolk, Va., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about May 26 and November 16 and 27, 1923, respectively, from the State of Virginia into the State of North Carolina, of quantities of horse and mule feed which was adulterated and misbranded. Two consignments of the product were labeled in part: "Norfeeco Horse And Mule Feed Manufactured By Norfolk Feed Milling Co., Inc., Norfolk, Virginia Guaranteed Analysis Protein 9 per cent \* \* \* Fat 2 per cent Fibre 12 per cent Made from Corn, Oats, Alfalfa, Molasses and Ground Grain Screenings." The remaining consignment of the product was labeled in part: "Blue Ridge Horse And Mule Feed 90% Grain Manufactured By Norfolk Feed Milling Co., Inc. Norfolk, Virginia Guaranteed Analysis Protein 10 per cent."

Analyses by the Bureau of Chemistry of this department of a sample from each of the two consignments of Norfeeco feed showed that the said samples

contained 8.50 per cent and 7.22 per cent, respectively, of protein and 1.76 per cent and 1.44 per cent, respectively, of fat. Examination of the said Norfeeco feed showed that the oats declared consisted mostly of oat screenings, alfalfa was present in a very small amount, and ground peanut hulls were present in addition to the declared ingredients. Analysis of a sample of the Blue Ridge feed showed that it contained 8.76 per cent of protein.

Adulteration of the Norfeeco feed was alleged in the information for the reason that substances undeclared upon the tags, to wit, oat screenings and ground peanut hulls, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a product containing less than 2 per cent of fat and less than 9 per cent of protein, and containing undeclared substances, to wit, oat screenings and ground peanut hulls, had been substituted for a feed made solely from corn, oats, alfalfa, molasses, and ground screenings and containing 2 per cent of fat and 9 per cent of protein, which the said article purported to be. Adulteration of the Blue Ridge feed was alleged in substance in the information for the reason that a feed containing less than 10 per cent of protein had been substituted for a feed having a guaranteed protein content of 10 per cent, which the article purported to be.

Misbranding of the Norfeeco feed was alleged in substance for the reason that the statements, to wit, "Horse And Mule Feed \* \* \* Guaranteed Analysis Protein 9 per cent \* \* \* Fat 2 per cent \* \* \* Made from Corn, Oats, Alfalfa, Molasses and Ground Grain Screenings," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article was made solely from corn, oats, alfalfa, molasses, and ground grain screenings and that it contained 2 per cent of fat and 9 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was made solely from corn, oats, alfalfa, molasses, and ground grain screenings and contained 2 per cent of fat and 9 per cent of protein, and that alfalfa was one of its principal ingredients, whereas the article was not made solely from corn, oats, alfalfa, molasses, and ground grain screenings but did contain undeclared ingredients; it contained less than 2 per cent of fat and less than 9 per cent of protein and contained so negligible an amount of alfalfa as not to warrant its declaration as an ingredient. Misbranding of the Blue Ridge feed was alleged for the reason that the statement, to wit, "Horse And Mule Feed \* \* \* Guaranteed Analysis Protein 10 per cent," borne on the sacks containing the article, was false and misleading, in that it represented that the article contained 10 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 10 per cent of protein, whereas it did not but did contain less than 10 per cent of protein.

On May 11, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13521. Adulteration of shell eggs. U. S. v. Lawson D. Stoneham. Plea of guilty. Fine, \$50. (F. & D. No. 19341. I. S. No. 17008-v.)**

On March 21, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lawson D. Stoneham, Molusk, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 7, 1924, from the State of Virginia into the State of Maryland, of a quantity of shell eggs which were adulterated. The article was labeled in part: "L. D. Stoneham Molusk Virginia."

Examination by the Bureau of Chemistry of this department of the 360 eggs in the consignment showed that 101 eggs, or 28 per cent thereof, were inedible eggs, consisting of black rots, mixed rots, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On May 14, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13522. Adulteration and misbranding of scallops and misbranding of oysters.** U. S. v. Andrew H. G. Mears (A. H. G. Mears). *Plea of guilty.* Fine, \$50. (F. & D. No. 19233. I. S. Nos. 2157-v, 2349-v, 12887-v, 15172-v.)

On March 27, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Andrew H. G. Mears, trading as A. H. G. Mears, Wachapreague, Va., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, namely, on or about February 29 and March 13, 1924, from the State of Virginia into the States of Maryland and New York, respectively, of quantities of scallops which were adulterated and misbranded, and on or about December 17, 1923, from the State of Virginia into the State of New York, of quantities of oysters which were misbranded. One shipment of the oysters was labeled in part: (Barrel) "10 Gal. Med XX," (can) "Minimum Volume 1 Gallon." The other shipment of the oysters was labeled in part: (Barrel) "20 Gals." (or "10 Gals.") "Superlative Brand Pure Salt Water Oysters," (can) "Minimum 1 Gallon Volume." The scallops were labeled in part: (Barrel and keg) "Scallops Superlative Brand," (can) "Minimum 1 Gallon Volume." Both products were further labeled: "From A. H. G. Mears, Wachapreague, Va."

Analyses of samples of the scallops by the Bureau of Chemistry of this department showed that they contained added water and that a portion of the cans contained less than 1 gallon of the said scallops. Examination by said bureau of 10 cans from each of the two lots of oysters showed that the average measure was .93 gallon and .94 gallon.

Adulteration of the scallops was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that water had been substituted in part for the said article, and for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted therefrom. Adulteration was alleged with respect to a portion of the scallops for the further reason that water had been mixed therewith in a manner whereby damage and inferiority was concealed.

Misbranding was alleged with respect to a portion of the scallops for the reason that the statement, to wit, "Scallops," borne on the tag attached to the barrel containing the article, was false and misleading, in that it represented that the article was composed wholly of scallops, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed wholly of scallops, whereas it was not but did contain an excess amount of water. Misbranding was alleged with respect to the said portion of the scallops for the further reason that the article was a product composed in part of excess water and was an imitation of and offered for sale under the distinctive name of another article, to wit, scallops. Misbranding was alleged with respect to the remainder of the said scallops for the reason that the statement "Scallops," borne on the keg, and the statement, to wit, "Minimum 1 Gallon Volume," borne on the cans containing the article, were false and misleading, in that the said statements represented that each of said cans contained 1 gallon of scallops, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 gallon of scallops, whereas each of said cans did not contain 1 gallon of scallops but did contain a less amount.

Misbranding of the oysters was alleged for the reason that the statements "10 Gal.," "20 Gals.," or "10 Gals.," as the case might be, borne on the barrels containing the article, and the statements "Minimum Volume 1 Gallon," or "Minimum 1 Gallon Volume," as the case might be, borne on the cans enclosed in the said barrels, were false and misleading, in that the said statements represented that the said barrels contained 10 gallons or 20 gallons, as the case might be, of oysters and that the said cans each contained 1 gallon of oysters, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said barrels contained 10 gallons or 20 gallons, as the case might be, of oysters, and that the said cans each contained 1 gallon of oysters, whereas the barrels and cans did not contain the amounts declared in the labels but did contain less



amounts. Misbranding of the oysters was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 15, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13523. Adulteration and misbranding of butter. U. S. v. 1,200 Pounds of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20162. I. S. No. 21561-v. S. No. C-4756.)**

On June 19, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,200 pounds of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Altamont Creamery Co., Altamont, Ill., on or about June 17, 1925, and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

It was further alleged in substance in the libel that the article was misbranded in violation of section 8 of said act for the reason that it was labeled "Butter" when it did not contain 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On June 23, 1925, Frank Shumaker and Nola Shumaker, trading as the Altamont Creamery Co., Altamont, Ill., having appeared as claimants for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants to be reworked under the supervision of this department, upon the execution of a good and sufficient bond, in conformity with section 10 of the act, and it was further ordered that the claimants pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13524. Adulteration of chestnuts. U. S. v. 12 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19188. I. S. No. 19706-v. S. No. C-4538.)**

On November 20, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 barrels of chestnuts, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by the Zueca Co., in part on or about October 15, 1924, from New York, N. Y., and in part on or about October 17, 1924, from Jersey City, N. J., and transported from the States of New York and New Jersey, respectively, into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 21, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13525. Misbranding of flour. U. S. v. 90 Sacks and 30 Sacks of Flour. Product ordered released under bond. (F. & D. Nos. 20156, 20157. I. S. Nos. 17464-v, 17465-v. S. Nos. E-5387, E-5388.)**

On June 29, 1925, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 120 sacks of flour, remaining in the original un-

broken packages at Camden, S. C., alleging that the article had been shipped by the Austin-Heaton Co., from Durham, N. C., in part June 2, 1925, and in part June 5, 1925, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Banner Self-Rising Flour 24 Lbs."

Misbranding of the article was alleged in the libels for the reason that the statement "Flour 24 Lbs," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 2, 1925, the Austin-Heaton Co., Durham, N. C., having appeared as claimant for the property, orders of the court were entered, providing that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$200, conditioned in part that the sacks be filled to the declared weight.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13526. Adulteration and misbranding of blue cohosh. U. S. v. 51 Bags of Blue Cohosh. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16822. I. S. No. 131-v. S. No. E-4189.)**

On September 27, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 51 bags of blue cohosh, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by E. M. Sanborn & Sons, Russell, Pa., on or about August 16, 1922, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From E. Sanborn & Sons \* \* \* Russell, Pa. Blue Cohosh."

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary, official at the time of investigation, in that it contained excessive ash, to wit, 13.15 per cent, whereas the said formulary provided that blue cohosh should yield not more than 6 per cent of ash.

Misbranding was alleged for the reason that the statement "Blue Cohosh," borne on the label, was false and misleading, in that the said statement represented that the article was blue cohosh of the standard set out in the National Formulary, whereas it did not comply with the requirements for blue cohosh set out in said formulary.

On June 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13527. Adulteration and misbranding of caviar. U. S. v. 6 Cases and 2 Cases of Caviar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18839. I. S. Nos. 12964-v, 12965-v. S. No. E-4890.)**

On or about July 25, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of caviar, at Newark, N. J., alleging that the article had been shipped by William Haaker Co., New York, N. Y., on or about April 29, 1924, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Haakers Genuine Imported Russian Caviar 1 Oz. Net Packed by Wm. Haaker Co. N. Y." The remainder of the said article was labeled in part: "Net Contents 1½ Ounces Prime Dittmann Caviar Packed At New York By Wm Haaker Co."

Adulteration of the article was alleged in the libel for the reason that roe other than that of sturgeon had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, for the further reason that the



statements "Genuine Imported Russian Caviar 1 Oz. Net" and "Net Contents 1½ Ounces Prime \* \* \* Caviar Packed \* \* \* By Wm Haaker Co. Importers," borne on the respective labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13528. Misbranding of meat and bone scrap. U. S. v. 359 Bags of Meat and Bone Scrap. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19981. I. S. No. 14114-v. S. No. E-5271.)**

On April 9, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 359 bags of meat and bone scrap, at Centerton, N. J., alleging that the article had been shipped by the Mutual Rendering Co., Philadelphia, Pa., on or about March 18, 1925, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "50% Mureco Meat & Bone Guaranteed Analysis Protein Min. 50% \* \* \* Manufactured By Mutual Rendering Co. Philadelphia, Pa."

Misbranding of the article was alleged in the libel for the reason that the statements "50% \* \* \* Meat & Bone Guaranteed Analysis Protein Min. 50%" were false and misleading and deceived and misled the purchaser.

On June 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13529. Adulteration of chocolate concentrate. U. S. v. 5 Gallons of Chocolate Concentrate. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18608. I. S. No. 12902-v. S. No. E-4825.)**

On April 23, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 gallons of chocolate concentrate, at Passaic, N. J., alleging that the article had been shipped by Jack Beverages, Inc., New York, N. Y., on or about April 8, 1924, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Real Chocolate Concentrate \* \* \* Jack Beverages, Inc. \* \* \* New York City."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or other added deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

On June 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13530. Adulteration and misbranding of canned tuna fish. U. S. v. 3 cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19898. I. S. No. 13474-v. S. No. E-5172.)**

On March 13, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cases of tuna fish, at New Brunswick, N. J., alleging that the article had been shipped by M. De Bruyn Importing Co., New York, N. Y., on or about December 13, 1924, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "California Tuna Standard All Light Meat."

Adulteration of the article was alleged in the libel for the reason that a substance, yellowtail, had been mixed and packed therewith so as to reduce,

lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements "Light Meat Tuna," borne on the shipping package, and "California Tuna Standard All Light Meat," borne on the cans, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13531. Misbranding and alleged adulteration of canned oysters. U. S. v. 35 Cases and 54 Cases of Canned Oysters. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 18376. I. S. No. 17650-v. S. No. C-4282.)**

On February 13 and March 20, 1924, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 89 cases of canned oysters, at Chicago, Ill., alleging that the article had been shipped by the Sea Food Co., from Gulfport, Miss., January 5, 1924, and transported from the State of Mississippi into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Winner Brand Oysters Packed By Sea Food Co. Biloxi, Miss. Net Contents 4 Ounces."

Adulteration of the article was alleged in the libels for the reason that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "4 Ounces," borne on the labels, was false and misleading and deceived and misled the purchaser, in that the said statement represented that the cans contained 4 ounces of the product, whereas each of the said cans contained less than 4 ounces thereof. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 7, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be destroyed by the United States marshal or that it might be sold, if found fit for use, after being relabeled "Slack Filled Contains Excessive Brine—Minimum Contents 3 Oz. Oyster Meat."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13532. Adulteration and misbranding of evaporated apples. U. S. v. 10 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19885. I. S. No. 13841-v. S. No. E-5150.)**

On March 11, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of evaporated apples, remaining unsold at Newark, N. J., alleging that the article had been shipped by the Gilbert Apple Products Co., Rochester, N. Y., on or about January 2, 1925, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cook Well Brand New York State Evaporated Apples Packed By Gilbert Apple Products Co., Inc., Rochester, N. Y., U. S. A."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the designation "Evaporated Apples" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.



On June 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13533. Adulteration and misbranding of lutein tablets. U. S. v. 9 Tubes of Lutein Tablets. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17659. I. S. No. 507-v. S. No. E-4446.)

On July 20, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 tubes of lutein tablets, at East Rutherford, N. J., alleging that the article had been shipped by Morgenstern & Co., New York, N. Y., on or about April 27, 1923, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act.

Microscopical examination of the article by the Bureau of Chemistry of this department showed that it consisted of potato starch (in large amounts), licorice root, celery seed, and possibly traces of animal tissue.

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was sold as a product which contained 5 grains of lutein (*corpus luteum*), whereas it contained only a trace, if any, *corpus luteum*.

Misbranding was alleged for the reason that the statements regarding the article and the ingredients and substances contained therein: "5 Gr. Lutein (Corpus Luteum) Tablets, H. W. & D., Baltimore \* \* \* Each tablet represents approximately twenty grains of fully developed *corpora lutea*," were false and misleading, in that they represented that the product contained 5 grains of lutein and that each tablet represented approximately 20 grains of fully developed *corpora lutea*, whereas the said article did not contain 5 grains of lutein, and each tablet did not represent approximately 20 grains of *corpora lutea*, since the product contained only a trace, if any, *corpus luteum*. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the name of another article.

On June 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13534. Misbranding of butter. U. S. v. 10 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20028. I. S. No. 9496-v. S. No. C-4697.)

On February 19, 1925, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases, containing 298 pounds, of butter, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the Southern Creameries, Inc., Nashville, Tenn., February 16, 1925, and transported from the State of Tennessee into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "One Pound Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statement on the packages "One Pound Net Weight" was false and misleading and deceived and misled the purchaser and in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 14, 1925, Morris & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$125, in conformity with section 10 of the act, conditioned in part that the product be repacked and reworked to the satisfaction of this department and that the said claimant pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13535. Adulteration and misbranding of tankage. U. S. v. Riverdale Products Co. Plea of guilty. Fine, \$50. (F. & D. No. 19609. I. S. No. 9116-v.)**

On March 31, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Riverdale Products Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about August 22, 1924, from the State of Illinois into the State of Indiana, of a quantity of tankage which was adulterated and misbranded. The article was labeled in part: (Bag) "Premium Digester Tankage Guaranteed Analysis Protein 60%," (tag) "Riverdale Products Company, of Chicago, Ill., Guarantees this Premium Digester Tankage to contain not less than \* \* \* 60.0 per cent. of crude protein."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 56.22 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a substance containing less than 60 per cent of protein had been substituted for digester tankage guaranteed to contain not less than 60 per cent of protein, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 60%" and "Riverdale Products Company, of Chicago, Ill., Guarantees this Premium Digester Tankage to contain not less than 60.0 per cent. of crude protein," borne on the labels, were false and misleading, in that the said statements represented that the article contained not less than 60 per cent of protein, and for the further reason that it was labeled as afore-said so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of protein, whereas it did not contain 60 per cent of protein but did contain a less amount.

On June 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13536. Misbranding and alleged adulteration of vinegar. U. S. v. 89 Barrels of Vinegar, et al. Decree entered, adjudging product misbranded and ordering its condemnation and forfeiture. Product released under bond. (F. & D. Nos. 12537, 15470, 15471. I. S. Nos. 8588-r, 4896-t. S. Nos. C-1872, C-3271.)**

On April 6, 1920, and October 14, 1921, respectively, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 189 barrels of vinegar, in part at Springfield, Ill., and in part at Peoria, Ill., alleging that the article had been shipped by the Douglas Packing Co., in two consignments, from Fairport, N. Y., and Canastota, N. Y., on or about February 10, 1920, and September 19, 1921, respectively, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Company. Excelsior Brand Apple Cider Vinegar Made From Selected Apples \* \* \* Rochester, N. Y." One shipment was further labeled: "Guaranteed To Comply With All Pure Food Laws."

Adulteration of the article was alleged in the libels for the reason that vinegar made from evaporated or dried apple products had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged with respect to one shipment of the product for the further reason that the statements on the label "Apple Cider Vinegar Made From Selected Apples \* \* \* Guaranteed To Comply With All Pure Food Laws" were false and misleading and deceived and misled the purchaser when applied to an article made from evaporated or dried apple products. Misbranding was alleged with respect to the other shipment of the product for the reason that it was labeled "Apple Cider Vinegar Made from Selected Apples," so as to deceive and mislead the purchaser and for the further reason that the said statement was false and misleading, in that the said portion of the product contained barium.

On February 4, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the product and the cases having been consolidated into one action, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13537. Adulteration and misbranding of strawberry preserves. U. S. v. 17 Cases and 7 Cases of Strawberry Preserves. Default decree of condemnation, forfeiture, and destruction. F. & D. Nos. 19822, 19823. I. S. Nos. 13416-v, 13805-v. S. Nos. E-5155, E-5156.)**

On February 20 and 21, 1925, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 24 cases of strawberry preserves, in part at Newark, N. J., and in part at Paterson, N. J., alleging that the article had been shipped by George S. Murphy, Inc., New York, N. Y., in two consignments, namely, on or about December 4, 1924, and December 23 (1924), respectively, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Honeydew Brand Pure Strawberry Preserves Contents 1 Lb. George S. Murphy Inc. New York."

Adulteration of the article was alleged in the libels for the reason that substances, pectin and sugar, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a substance, an acidified compound pectin sugar and fruit preserve, had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statement "Pure Strawberry Preserves," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13538. Misbranding and alleged adulteration of fruit jam. U. S. v. 34 Dozen Jars of Alleged Pure Fruit Jam With Apple Grape. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17713. I. S. No. 2759-v. S. No. E-4467.)**

On August 15, 1923, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 34 dozen jars of alleged pure fruit jam with apple grape, remaining in the original unbroken packages at Wilkes-Barre, Pa., alleging that the article had been shipped by the Paul Delaney Co., from Brocton, N. Y., on or about May 12, 1923, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Pure Fruit Jam With Apple Grape Packed By The Paul Delaney Co. Inc. Brocton, N. Y."

Adulteration of the article was alleged in the libel for the reason that pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and for the further reason that a mixture of pectin, sugar, and grape jam had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Pure Fruit Jam With Apple Grape," borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On February 14, 1925, Williams Bros. & Co., Wilkes-Barre, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded



and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13539. Alleged adulteration and misbranding of butter. U. S. v. Charles T. Myers (Alamosa Creamery Co.). Directed verdict of not guilty.** (F. & D. No. 19003. I. S. Nos. 8548-v, 8549-v, 11945-v, 11946-v, 11947-v, 20632-v, 20633-v.)

On March 18, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles T. Myers, trading as the Alamosa Creamery Co., Alamosa, Colo., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, namely, on or about February 20, 1924, from the State of Colorado into the State of Arizona, and on or about February 20 and 21, 1924, respectively, from the State of Colorado into the State of New Mexico, of seven consignments of butter which was alleged to be adulterated and misbranded. The article was labeled in part: "Golden Purity Butter 1 Pound 4 Pieces Manufactured by Alamosa Creamery Company Alamosa—Colorado Pure Creamery Butter \* \* \* Net Weight 16 Ounces."

Analysis by the Bureau of Chemistry of this department of 4 samples from each of the seven consignments showed an average of 79.1 per cent, 79 per cent, 79.4 per cent, 79.4 per cent, 79.4 per cent, 79.2 per cent, and 79.6 per cent, respectively, of milk fat. Examination of 30 packages from each of five consignments and 60 packages from each of the two remaining consignments showed an average weight of 15.88 ounces, 15.87 ounces, 15.73 ounces, 15.82 ounces, 15.76 ounces, 15.74 ounces, and 15.72 ounces, respectively.

• Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as defined by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter \* \* \* Net Weight 16 Ounces," borne on the packages containing the article, were false and misleading, in that the said statements represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, as defined and prescribed by the act of March 4, 1923, and that the said packages contained 16 ounces of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter and that the said packages contained 16 ounces of the article, whereas it was not butter, in that it contained less than 80 per cent by weight of milk fat and the packages did not contain 16 ounces of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was more than the actual contents of the package.

On April 15, 1925, the case came on for disposition before the court and a jury. After the submission of certain evidence a motion to suppress the evidence was made by counsel for the defendant and sustained by the court. On April 16, 1925, the court delivered the following instructions to the jury, directing a verdict of not guilty:

The COURT: "The defendant in this case has made timely motion to suppress the evidence that has been offered, or, rather, testified to by the witness Kathe, on the ground that it violates the constitutional rights of the defendant and also is in violation of the post-office regulations or acts pertaining to the post office.

"It is stipulated and agreed by both sides that Mr. Kathe, an inspector of the Bureau of Chemistry of the United States Department of Agriculture, who is not connected in any official way with the Post Office Department, without a

search warrant entered the post office and opened seven packages of butter which had been deposited in the post office by the defendant for shipment in interstate commerce."

Mr. IRELAND: "That stipulation doesn't cover with the consent of the postmaster or superintendent, but that is a part of the stipulation in the record."

The COURT: "He did this with the consent of the postmaster. After opening the packages, he took samples therefrom and weighed the contents to determine whether they complied with section 8 of the pure food act, under which the defendant is being prosecuted for misbranding. He further took samples to be shipped to the bureau or branch of the Department of Agriculture in Denver for further test, and in place of the samples he took he substituted another product of the defendant, which he had bought in the open market, and sealed up the packages and put them back in the mail, and they went forward to the consignee.

"In order to narrow the question to be decided, it is well to bear in mind all these facts, and also the further fact in addition, that this inspector did not have any authority under any act of Congress for his acts, and, further, had no search warrant. In addition he had no grounds, so far as it appears here, to suspect that the defendant was violating a law of the United States. In other words, he did not act upon any probable cause or grounds to suspect that a crime was being committed by the defendant, so we must look at his acts from the point of view that he was seeking evidence rather than acting upon any previous information or knowledge that would justify him in believing defendant had or was about to commit a crime.

"The Government contends, first, that, granting that the search was illegal and in violation of law, the defendant cannot urge that issue because he had given up possession and parted with the packages in question when he put them in the mail, and therefore the fourth amendment to the Constitution of the United States is no protection, or cannot be availed of under such conditions; secondly, that the pure food and drugs act gave the Department the power to make regulations for the enforcement of the act, and that under that authority the Department has enacted or promulgated the regulation that the food or drugs within the scope of sections 1, 2, and 10 of the act may be sampled wherever found.

"Taking up the last point first, it may be said as a matter of law that a regulation put out by any official or any department cannot add to or detract from the original act. I have not been cited to any section of the act that gives any official of the Department power to sample or seize property wherever found, and it is not necessary to pass upon that at this time. Certainly any mere regulation of the Department would not stand if in conflict with any fundamental right of the defendant, guaranteed him under the Constitution of the United States; it would have no force or effect.

"Going back now to the first question, as to whether the fourth amendment to the Constitution was violated, or whether the defendant can avail himself of its provisions under the peculiar circumstances of this case, I am clearly of the opinion that the inspector had absolutely no authority to go into the post office and open a sealed package. He was not a post-office inspector or employee. He had no more right to interfere with mail in its transportation and stop its transportation than the merest stranger. The Government officials must act within the scope of their authority. Their authority is always limited, and when they go beyond the limits of the same, their acts must be judged like the acts of any other person not holding a Government position. The permission granted by the postmaster to open this mail was without the scope of his authority, and does not affect the lack of authority of this inspector. In any doubtful case I think the doubt ought to be resolved against the Government official, because it is against public policy for any officer, without proper cause or authority, to interfere in any way with property of other people or to interfere with their papers, and when a man deposits property in the post office he has a right to assume that it will not be interfered with in any way except pursuant to some specific authority granted by Congress for the particular purpose in point. The case of *ex parte Jackson*, which has been cited, in 96 U. S., holds specifically that the fourth amendment to the Constitution applies to papers or property of a citizen wherever it may be, that case saying that: 'The constitutional guaranty of the right of the people to be secure in their papers against unreasonable searches and seizures extends to their papers, thus closed against inspection, wherever they may be. Whilst



in the mail, they can only be opened and examined under like warrant, issued upon similar oath or affirmation, particularly describing the thing to be seized, as is required when papers are subjected to search in one's own household. No law of Congress can place in the hands of officials connected with the postal service any authority to invade the secrecy of letters and such sealed packages in the mail; and all regulations adopted as to mail matter of this kind must be in subordination to the great principle embodied in the fourth amendment to the Constitution.

"We do not say that Congress might not give to an inspector of the Department the power to invade the secrecy of the mails. It is not claimed here that such power was ever given. So we have before us a stronger set of facts than that referred to and covered in the quotation from the Jackson case which I have cited. Further, it is against sound public policy for Government officials without probable cause or proper grounds to suspect a crime is being committed and, without specific authority, to go around on fishing expeditions and interfere with the privacy of the individual or his property. This case of breaking into mail was no more or less than a trespass. I am not holding that this regulation could not empower the inspector to sample or seize the butter when offered for sale, but I don't think it gave him power—it could not give him power under the law laid down in the Jackson case—to commit a trespass upon mail matter. The recent decisions of the Supreme Court contain notice that the fourth and fifth amendments are still in full force and effect, and that indirect and partial repeals thereof must be especially guarded against.

"So the motion to suppress the evidence will be granted and exception allowed by the Government."

Mr. IRELAND: "Now, if your Honor please, the question that you have taken up I did not think would come up in this case, but at this time the Government offers to submit evidence to the effect that they did have reasonable ground to believe that the law was violated and was being then and there violated. I don't think it will make any difference, but I want it for the record."

The COURT: "In order to make a record you may show that you made the offer and the same is rejected. It will not affect the case under the facts, in view of the fact that the inspector has no right to violate the secrecy of mail matter."

Mr. IRELAND: "There is one other thing I would like to have the record show: that while the stipulation shows this was sealed, the stipulation does not show it is sealed first class mail; and that the Government offers to prove that the facts in this case are that this was parcel post mail, fourth class, and does not come under what is termed first class sealed matter."

The COURT: "The stipulation states that they were sealed packages—in other words, they had to be broken to get into—and that the information that the Government obtained by virtue of the inspection could not have been obtained without breaking the seal or the package."

Mr. IRELAND: "No, it could not. It had to be broken, but it is not what is: first class sealed mail, but I believe it has labeled on it 'Inspection allowed.'"

The COURT: "That disposes of this case."

Mr. PACKARD: "I then move the court for an instructed verdict in favor of the defendant on all the counts."

The COURT: "The motion will be granted. Gentlemen of the jury, under the ruling of the court the evidence that has been given is not admissible. Therefore, there being no other evidence, the court instructs you to find the defendant not guilty on each and every count of this information. The first jurymen will please sign the verdict, and the defendant will be discharged.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13540. Misbranding of cottonseed meal. U. S. v. 1,000 Sacks and 490 Sacks of Cottonseed Meal. Default decrees of condemnation, forfeiture, and sale.** (F. & D. Nos. 19480, 19485. I. S. Nos. 22281-v, 22283-v. S. Nos. E-4901, E-4904.)

On January 14, 1925, the United States attorney for the Western District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,490 sacks of cottonseed meal, remaining in the original unbroken packages at Radford, Va., alleging that the article had been shipped by the Wilmington Oil & Fertilizer Co., from Wilmington, N. C., in part December 1, 1924, and in part December 2, 1924, and transported from the State of North Carolina into the State of Virginia, and charging misbranding



in violation of the food and drugs act. The article was labeled in part: "Owl Brand \* \* \* Protein 41%."

Misbranding of the article was alleged in substance in the libels for the reason that the statements "41% Protein," with respect to one shipment of the product, and "41% Protein 41%," with respect to the other shipment thereof, were false and misleading and deceived and misled the purchaser, in that the article contained very much less than 41 per cent of protein.

On June 9, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13541. Adulteration and misbranding of fancy middlings. U. S. v. Charles A. Krause Milling Co. Plea of guilty. Fine, \$50. (F. & D. No. 17136. I. S. Nos. 4414-t, 4415-t, 4416-t.)**

On July 28, 1923, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Charles A. Krause Milling Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about February 11, March 25, and April 14, 1922, respectively, from the State of Wisconsin into the State of Ohio, of quantities of fancy middlings which were adulterated and misbranded. The article was labeled in part: (Sack) "Gain-Mor Fancy Middlings Made From Red Dog Corn Flour Wheat Middlings With Mill Run Screenings & Salt Manufactured By Chas. A. Krause Milling Co. Milwaukee, Wis."

Examinations of samples of the article by the Bureau of Chemistry of this department showed that it contained corn flour, a wheat product, some screenings, and an appreciable amount of a rye product, and little, if any, wheat middlings.

Adulteration of the article was alleged in the information for the reason that a mixture composed of ground bran, wheat flour, corn flour, and a rye product had been substituted for fancy middlings, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Fancy Middlings," borne on the sacks containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of fancy middlings, to wit, a product composed exclusively of middlings from wheat flour, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of fancy middlings, whereas it did not so consist but did consist of a mixture composed of ground bran, wheat flour, corn flour, and a rye product.

On June 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13542. Adulteration and misbranding of strawberry oil, raspberry oil, and vanilla flavor. U. S. v. H. C. Schranck Co. Plea of guilty. Fine, \$200. (F. & D. No. 16935. I. S. Nos. 11093-t, 11094-t, 11095-t, 11096-t.)**

On February 15, 1923, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the H. C. Schranck Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 30, 1921, from the State of Wisconsin into the State of California, of quantities of strawberry oil, raspberry oil, and vanilla flavor, respectively, which were adulterated and misbranded. The articles were labeled in part, variously: "Oil Strawberry," "Oil Raspberry," "Vanilla Compound," or "Bottler's Vanilla," as the case might be, and were further labeled "H. C. Schranck Co., Milwaukee, Wisconsin."

Analyses by the Bureau of Chemistry of this department of samples of the strawberry oil and raspberry oil showed that they were alcoholic solutions of aromatic oils artificially colored. Analyses by said bureau of the vanilla flavors showed that the vanilla compound was a hydroalcoholic solution of

vanillin and coumarin colored with caramel and the Bottler's vanilla was a hydroalcoholic solution of vanillin colored with caramel.

Adulteration of the strawberry oil and raspberry oil was alleged in the information for the reason that imitation products artificially colored had been substituted for strawberry oil, or raspberry oil, as the case might be, which the said articles purported to be.

Misbranding of the said strawberry oil and raspberry oil was alleged for the reason that the statements, to wit, "Oil Strawberry" and "Oil Raspberry," borne on the labels attached to the bottles containing the respective articles, were false and misleading, in that the said statements represented that the articles were oil strawberry or oil raspberry, as the case might be, and for the further reason that the said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were oil strawberry or oil raspberry, as the case might be, whereas they were not but were imitation products which consisted of alcoholic solutions of aromatic oils artificially colored. Misbranding was alleged with respect to the said strawberry oil and raspberry oil for the further reason that they were imitations of and offered for sale under the distinctive names of other articles, and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

Adulteration of the vanilla flavors was alleged for the reason that an imitation product of dilute alcoholic solution of vanillin and coumarin artificially colored, in the case of the so-called "Vanilla Compound," and an imitation product which consisted of a dilute alcoholic solution of vanillin artificially colored, in the case of the so-called "Bottler's Vanilla," had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding of the vanilla flavors was alleged for the reason that the statement, to wit, "Vanilla Compound," with respect to a portion of the product and the statement "Bottler's Vanilla," with respect to the remainder thereof, borne on the labels, were false and misleading, in that the said statements represented that the article consisted of vanilla compound or flavor vanilla, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of vanilla compound or flavor vanilla, as the case might be, whereas it did not but a portion of the article consisted in large part of an imitation product composed of a dilute alcoholic solution of vanillin and coumarin artificially colored, and the remainder thereof was an imitation flavor vanilla consisting of a dilute alcoholic solution of vanillin artificially colored.

On May 28, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13543. Adulteration of butter. U. S. v. 50 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20196. I. S. No. 24620-v. S. No. C-4753.)**

On June 19, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Phillips Creamery Co., from Phillips, Wis., June 12, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

On June 30, 1925, C. J. Stenger & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the



court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so that it contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13544. Adulteration of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 20201. I. S. No. 22331-v. S. No. C-4757.)

On June 24, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Dell Cooperative Creamery Co., from Westby, Wis., June 20, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted therefrom.

On June 30, 1925, the Dell Cooperative Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the adulterated portion be reprocessed under the supervision of this department so that it contain not less than 80 per cent of butterfat and not more than 16 per cent of moisture.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13545. Adulteration of butter. U. S. v. 60 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 20208. I. S. No. 22425-v. S. No. C-4765.)

On June 29, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by W. C. Krueger, from Bruce, S. D., June 22, 1925, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On July 3, 1925, W. C. Krueger, Bruce, S. D., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the adulterated portion be reprocessed so as to contain not less than 80 per cent of butterfat and not more than 16 per cent of water, and that said reprocessing be done under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13546. Adulteration of butter. U. S. v. 20 Cubes, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20165, 20173. I. S. Nos. 20126-v, 20127-v, 20128-v, 20129-v, 20131-v, 20450-v. S. Nos. W-1721, W-1727, W-1728.)

On June 13 and 18, 1925, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels and on June 18, 1925, an amendment to the former libel praying the seizure and condemnation of 51 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mutual Creamery Co., from Butte, Mont., in part May 29, 1925, and in part June 4, 1925, and transported from the State of Montana into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration was alleged in the libels with respect to a portion of the product for the reason that a substance deficient in butterfat had been substituted wholly or in part for the article, and for the further reason that a valuable constituent, butterfat, had been in part abstracted. Adulteration was alleged with respect to the remainder of the product for the reason that a substance deficient in milk fat had been substituted in part for the article, and for the further reason that a valuable constituent, milk fat, had been in part abstracted.

On June 27, 1925, the Mutual Creamery Co., Butte, Mont., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,300, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13547. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20216. I. S. No. 14204-v. S. No. E-5368.)

On June 24, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the American Stores Co., Minneapolis, Minn., alleging that the article had been shipped from Minneapolis, Minn., on or about June 13, 1925, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 7, 1925, Semels Bros. Corp. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be reconditioned in accordance with the ruling of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13548. Adulteration and misbranding of butter. U. S. v. 6 Tubs and 10 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20217, 20218. I. S. Nos. 14098-v, 14099-v. S. Nos. E-5353, E-5354.)

On June 20, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 16 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Le Sueur Creamery Co., Le Sueur, Minn., alleging that the article had been shipped from St. Peter, Minn., on or about June 17, 1925, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that excessive water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On July 7, 1925, Clinton G. Heyd, trading as C. G. Heyd & Co., Philadelphia, Pa., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$700, in conformity with section 10 of the act, conditioned in part that it be reconditioned in accordance with the ruling of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13549. Adulteration of tomato catsup. U. S. v. 9 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 19227. I. S. No. 17092-v. S. No. E-5038.)

On December 10, 1924, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of tomato catsup, remaining in the original unbroken packages at Moundsville, W. Va., alleging that the article had been shipped by D. Rizzo, Albion, N. Y., on or about August 2, 1924, and transported from the State of New York into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Page Brand Tomato Catsup Packed by Thomas Page, Albion, N. Y., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On May 26, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13550. Misbranding of morphine sulphate tablets and heroin tablets. U. S. v. the P. J. Noyes Co. Plea of guilty. Fine, \$500 and costs.**  
(F. & D. No. 19310. I. S. Nos. 2415-v. 15455-v.)

On March 6, 1925, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the P. J. Noyes Co., a corporation, Lancaster, N. H., alleging shipment by said company, in violation of the food and drugs act, on or about March 24, 1924, from the State of New Hampshire into the State of Massachusetts, of a quantity of morphine sulphate tablets, and on or about April 8, 1924, from the State of New Hampshire into the State of New York, of a quantity of heroin tablets, both consignments of which were misbranded. The articles were labeled, respectively, in part: "500 Compressed Tablets Morphine Sulphate \* \* \* 1-8 Grain \* \* \* The P. J. Noyes Company Lancaster, N. H." and "500 Tablet Triturates Heroin \* \* \* 1-24 Grain The P. J. Noyes Company Lancaster, N. H."

Analysis of a sample of the morphine sulphate tablets by the Bureau of Chemistry of this department showed that they averaged not more than 0.107 grain of morphine sulphate to each tablet; analysis of a sample of the heroin tablets by said bureau showed that they averaged not more than 0.0294 grain of heroin to each tablet.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Tablets Morphine Sulphate \* \* \* 1-8 Grain" and "Tablet Triturates Heroin \* \* \* 1-24 Grain," borne on the labels of the respective products, were false and misleading, in that the said statements represented that the articles contained one-eighth grain of morphine sulphate or one twenty-fourth grain of heroin, as the case might be, whereas the said tablets did not contain the amounts of the respective articles declared on the labels but did contain less amounts.

On May 6, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

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<sup>1</sup> Contains instructions to the jury.



## United States Department of Agriculture

## SERVICE AND REGULATORY ANNOUNCEMENTS

## BUREAU OF CHEMISTRY

## SUPPLEMENT

N. J. 13551-13600

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 10, 1925]

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13551. Adulteration of shell eggs. U. S. v. Joseph W. Williams. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 17690. I. S. No. 7617-v.)**

On October 31, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph W. Williams, Republican City, Nebr., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 28, 1922, from Atwood, Kans., into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Williams, Atwood, Ks."

Examination by the Bureau of Chemistry of this department of 1,620 eggs from the consignment showed that 281 eggs, or 17.34 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On January 17, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13552. Misbranding of Dr. Sanger capsules. U. S. v. 150 Bottles, et al., of Dr. Sanger Capsules. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 19917, 19927, 19928. I. S. Nos. 3567-v, 3572-v, 3573-v. S. Nos. E-5192, E-5200, E-5251.)**

On March 20 and 25, 1925, respectively, the United States attorney for the District of Porto Rico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 366 bottles of Dr. Sanger capsules, in various lots, at Ponce and Mayaguez, P. R., alleging that the article had been shipped by Edward J. Moore Sons, Inc., Long Island City, N. Y., in part December 24, 1924, and in part February 16, 1925, and that it was being offered for sale and sold in the Territory of Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the capsules contained copaiba balsam, cubebs, santal oil, and matico.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative and therapeutic effect of the said article: (Bottle label, Spanish and English) "In obstinate cases"; (circular, translated) "Dr. Sanger capsules \* \* \* for Gonorrhea, Gleet, Irritation of the Bladder, Retention of the Urine, Leucorrhea or Whites \* \* \* composed of ingredients that have proven to be efficacious in treating these diseases \* \* \* an efficacious dose \* \* \* As a general rule the disease begins to yield in a short time, but in some cases it is necessary to prolong the treatment \* \* \* especially when the patient through negligence has permitted the disease to become chronic or to penetrate farther into the organism \* \* \* Continue using Sanger's capsules several days after the discharges have ceased to flow in order to prevent their return. \* \* \* In rebellious cases \* \* \* there should be complete abstinence from alcoholic beverages while using the capsules otherwise the cure will be delayed," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 7, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13553. Adulteration of canned salmon. U. S. v. 75 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17892. I. S. No. 12510-v. S. No. E-4564.)**

On November 6, 1923, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 cases, each containing 4 dozen cans, of salmon, remaining in the original unbroken packages at Charles Town, W. Va., alleging that the article had been shipped by McGovern & McGovern, Seattle, Wash., on or about October 8, 1923, and transported from the State of Washington into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Rose Brand \* \* \* Chum Distributed By Carlisle Packing Co. Seattle, Wash., U. S. A."; (case) "Rose Brand Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 14, 1924, the Carlisle Packing Co., Seattle, Wash., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the unadulterated portion be separated from the adulterated portion, and the former released and the latter destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13554. Adulteration and misbranding of Concord grape soda water flavor. U. S. v. 3 Containers of Concord Grape Soda Water Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18821. I. S. No. 18907-v. S. No. C-4432.)**

On July 10, 1924, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 containers, each containing 1 gallon of Concord grape soda water flavor, remaining unsold at South Bend, Ind., alleging that the article had been shipped by the Sethness Co., Chicago, Ill., June 7, 1924, and transported from the State of Illinois into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed And Packed By Sethness Company Chicago, Soluble Grape Soda Water Flavor Contains added flavoring products identified in grapes, artificially colored."

Adulteration of the article was alleged in the libel for the reason that an artificially colored and flavored solution had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration

was alleged for the further reason that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the designation "Concord Grape Soda Water Flavor" was false and misleading and deceived and misled the purchaser and for the further reason that it was an imitation of and was offered for sale under the distinctive name of Concord grape soda water flavor, whereas it was not but was an artificially colored and flavored solution containing little or no grape juice.

On October 9, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13555. Adulteration of blue cohosh. U. S. v. 205 Pounds of Blue Cohosh. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20113. I. S. No. 24326-v. S. No. E-5327.)**

On June 13, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 205 pounds of blue cohosh, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by McIlvaine Bros., Inc., from Philadelphia, Pa., about May 20, 1925, and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Cohosh \* \* \* From McIlvaine Bros. Inc. Philadelphia, Pa."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it yielded 12.3 per cent of ash. The National Formulary stipulates that blue cohosh yield not more than 6 per cent of ash.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the said formulary, official at the time of investigation.

On July 20, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13556. Adulteration of canned salmon. U. S. v. 230 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18241, 18276, 18277. I. S. Nos. 6482-v, 18715-v, 18716-v, 18717-v, 18718-v. S. Nos. C-4247, C-4271, C-4272.)**

On Dec. 29, 1923, and January 30 and 31, 1924, respectively, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 840 cases of canned salmon, in various lots at Conway, Kensett, and Batesville, Ark., respectively, alleging that the article had been shipped by Gorman & Co., from Seattle, Wash., in various lots, namely, on or about September 24, January (September) 28, and November 20, 1923, respectively, and transported from the State of Washington into the State of Arkansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Gorman's Pink" (or "Chum") "Salmon Distributed By Gorman And Company Seattle."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in a material proportion of the cans of a filthy, decomposed, and putrid animal substance.

On April 22, 1925, Mode & Clayton, Conway, Ark., Yeatman-Gray-Adams Gro. Co., Batesville, Ark., and Ramey-Milburn Co., Kensett, Ark., claimants for respective portions of the product, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that upon the claimants filing bonds in the aggregate sum of \$750, conditioned that the product be assorted under the supervision of this department in order to separate the good from the bad salmon, and upon the destruction of the adulterated portion and payment of the costs of the proceedings, the portion found to be fit for human consumption be released.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13557. Adulteration and misbranding of caviar. U. S. v. 1 Case, et al., of Caviar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20079. I. S. Nos. 20557-v, 20558-v. S. No. W-1711.)**

On May 21, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 cases and 66 cans of caviar, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Austin, Nichols & Co., from New York, N. Y., March 29, 1923, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Casino Brand Caviar Chelsea Packing Co., New York. \* \* \* Colored—Sweetened With Caramel."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored roe other than sturgeon, had been substituted wholly or in part for the said article, and for the further reason that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the designation "Caviar" was false and misleading and deceived and misled the purchaser, and for the further reason that it was sold under the distinctive name of another article.

On July 21, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13558. Adulteration and misbranding of grey shorts. U. S. v. 2,400 Sacks of Grey Shorts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19518. I. S. No. 6311-v. S. No. C-4611.)**

On February 9, 1925, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2,400 sacks of grey shorts, at Arkadelphia, Ark., alleging that the article had been shipped by the Kansas Flour Mills Co., from Kansas City, Mo., on or about December 17, 1924, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Grey Wheat Shorts & Wheat Screenings \* \* \* The Kansas Flour Mills Company Kansas City, U. S."

Adulteration of the article was alleged in the libel for the reason that a substance, brown shorts, had been substituted wholly or in part for the said article, and in that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the label "Grey Wheat Shorts" was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On February 14, 1925, the Arkadelphia Milling Co., Arkadelphia, Ark., having appeared as claimant for the property and having consented to the entry of a decree and to relabel the product "Wheat Brown Shorts and Ground Screenings" under the supervision of this department, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, and it was further ordered that it be relabeled as above.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13559. Misbranding of oysters. U. S. v. W. H. Killian Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 17515. I. S. Nos. 4437-v, 4438-v, 4439-v.)**

On July 11, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. H. Killian Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about November 27 and 28, 1922, respectively, from the State of Maryland into the State of Ohio, of quantities of oysters which were misbranded. The article was labeled in part: "Minimum Volume 1 Gallon."

Examination by the Bureau of Chemistry of this department of 7 cans and 12 cans from the two consignments showed an average shortage of 4.4 and 3.9 fluid ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Minimum Volume 1 Gallon," borne on the cans containing the said article, was false and misleading, in that the said statements represented that the cans contained not less than 1 gallon of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained not less than 1 gallon of oysters, whereas the cans did contain less than 1 gallon of oysters. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13560. Adulteration of canned salmon. U. S. v. 10,558 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 18938, 18945, 18966, 18980, 19020. I. S. Nos. 20219-v, 20221-v, 20287-v, 20288-v, 20289-v, 20294-v. S. Nos. W-1569, W-1575, W-1583, W-1584, W-1589.)

On January 17, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying the seizure and condemnation of 10,558 cases of salmon, remaining in the original unbroken packages at Anacortes, Wash., consigned by the Alaska Herring & Sardine Co., from Port Walter, Alaska, alleging that the article had been shipped in interstate commerce from the Territory of Alaska into the State of Washington, arriving at Anacortes at different times during the months of August and September, 1924, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On January 22, 1925, the Alaska Herring & Sardine Co., claimant, having admitted that a portion of the product was adulterated and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$23,000, in conformity with section 10 of the act, conditioned in part that the unadulterated portion be separated from the adulterated portion under the supervision of this department, and the former released and the latter destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13561. Adulteration of canned salmon. U. S. v. 8,892 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 18939, 18943, 18986, 19039, 19047, 19147. I. S. Nos. 20218-v, 20220-v, 20290-v, 20293-v, 21058-v, 21071-v. S. Nos. W-1570, W-1574, W-1586, W-1593, W-1603.)

On January 17, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8,892 cases of salmon, remaining in the original unbroken packages at Anacortes, Wash., consigned by J. L. Smiley & Co., from Ketchikan, Alaska, alleging that the article had been shipped from Alaska, arriving at Anacortes at different times during the months of August, September, and October, 1924, and had been transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

During the month of January, 1925, J. L. Smiley & Co., Ketchikan, Alaska, claimant, having admitted that a portion of the product was adulterated and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and



the execution of a bond in the sum of \$17,000, in conformity with section 10 of the act, conditioned in part that the unadulterated portion be separated from the adulterated portion under the supervision of this department, and the former released and the latter destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13562. Adulteration of canned salmon. U. S. v. Carrol F. Buelow (C. F. Buelow Co.). Plea of guilty. Fine, \$50. (F. & D. No. 19346. I. S. Nos. 6102-v, 6811-v.)**

On February 18, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Carrol F. Buelow, trading as the C. F. Buelow Co., Seattle, Wash., alleging shipment by said defendant, in violation of the food and drugs act, on or about December 29, 1922, from the State of Washington into the State of Louisiana, of a quantity of canned salmon which was adulterated.

Examination by the Bureau of Chemistry of this department of 48 cans from the consignment showed that 26 cans contained fish in a very advanced stage of decomposition, 6 cans contained fish distinctly decomposed, and 14 cans contained stale fish.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On June 9, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13563. Adulteration and misbranding of coffee. U. S. v. 14 Bags of Coffee. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20088. I. S. No. 11077-v. S. No. C-4738.)**

On May 27, 1925, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 bags of coffee, remaining in the original unbroken packages at Clinton, Ind., alleging that the article had been shipped by the Steele-Wedeles Co., from Chicago, Ill., October 4, 1924, and transported from the State of Illinois into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bag) "120 Lb. Net Steel Cut Coffee."

Adulteration of the article was alleged in the libel for the reason that peas and rice hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for coffee.

Misbranding was alleged for the reason that the statement "Steel Cut Coffee" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of steel cut coffee, whereas it contained a mixture of coffee, peas, and rice hulls.

On July 21, 1925, the Steele-Wedeles Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13564. Misbranding of canned sugar corn. U. S. v. 683 Cases of Sugar Corn. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20101. I. S. Nos. 9597-v, 9598-v. S. No. C-4740.)**

On or about June 6, 1925, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 683 cases of sugar corn, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped by the New Vienna Canning Co., from New Vienna, Ohio, October 15, 1924, and transported from the State of Ohio into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The



article was labeled in part: (Can) "Nunsogood Brand" (or "Maple Sweet Brand") "Evergreen Sugar Corn Contents 1 lb. 4 oz. \* \* \* Packed By New Vienna Canning Co., New Vienna, Ohio."

Misbranding of the article was alleged in the libel for the reason that the statement "1 lb. 4 oz," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the said package.

On July 8, 1925, the National Grocer Co., San Antonio, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,728.50, in conformity with section 10 of the act.

R. W. DUNLAP, *Secretary of Agriculture.*

**13565. Adulteration and misbranding of apples. U. S. v. American Fruit Growers, Inc. Plea of guilty. Fine, \$50. (F. & D. No. 16939. I. S. No. 6084-t.)**

On March 6, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Fruit Growers, Inc., trading at Lockport, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about May 3, 1922, from the State of New York into the State of Pennsylvania, of a quantity of apples which were adulterated and misbranded. The article was labeled in part: (Barrel) "Tip Top Brand York State Baldwins New York Standard A Vol. 3 Bu. Min. Size 2½ in."

Examination of a sample consisting of 4 barrels of the article, by the Bureau of Chemistry of this department, showed that the barrels contained a very large number of apples under 2½ inches in diameter, and many apples were infested with insects.

Adulteration of the article was alleged in the information for the reason that apples of a lower grade and quality than New York Standard A and of less than 2½ inches in diameter each had been substituted in part for New York Standard A apples of 2½ inches in diameter, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard A Min. Size 2½ in.," borne on the barrels containing the article, was false and misleading, in that the said statement represented that the said barrels contained only New York Standard A apples of at least 2½ inches in diameter each, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the barrels contained only New York Standard A apples of at least 2½ inches in diameter each, whereas said barrels did not contain only New York Standard A apples of at least 2½ inches in diameter each but contained in part apples of a lower grade and quality than New York Standard A apples and contained in part apples of less than 2½ inches in diameter each.

On April 10, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13566. Misbranding of oysters. U. S. v. Paul Powell and Ira F. Burton (Powell and Burton). Pleas of guilty. Fines, \$50. (F. & D. No. 18741. I. S. No. 2350-v.)**

On October 16, 1924, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Paul Powell and Ira F. Burton, copartners, trading as Powell & Burton, Wachapreague, Va., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about December 17, 1923, from the State of Virginia into the State of New York, of a quantity of oysters which were misbranded. The article was labeled in part: "Minimum 1 Gallon Volume."

Examination by the Bureau of Chemistry of this department of 12 cans from the consignment showed an average shortage of 2.35 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Minimum 1 Gallon Volume," borne on the packages containing the article, was false and misleading, in that the said statement

represented that the packages contained not less than 1 gallon of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained not less than 1 gallon of oysters, whereas each of said packages did not contain 1 gallon of oysters but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 10, 1924, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13567. Adulteration and misbranding of horse and mule feed. U. S. v. Joseph William Bell (J. W. Bell Mill & Elevator Co.). Plea of nolo contendere. Fine, \$100.** (F. & D. No. 19343. I. S. Nos. 3240-v, 3241-v, 16551-v, 16552-v, 16599-v, 16603-v, 16606-v, 16607-v, 21720-v.)

On April 30, 1925, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph William Bell, trading as the J. W. Bell Mill & Elevator Co., Spartanburg, S. C., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely on or about January 29, February 1, April 3 and 22, and May 6, 1924, respectively from the State of South Carolina into the State of North Carolina, and on or about May 16, 18, and 21, 1924, respectively, from the State of South Carolina into the State of Georgia, of quantities of horse and mule feed which was adulterated and misbranded. The article was labeled in part: "From J. W. Bell Mill And Elevator Spartanburg, S. C. \* \* \* "Bi-Mo" Horse and Mule Feed Buy More Guaranteed Average Analysis Protein 9.00%." The labels bore the further statements: "Ingredients Corn, Oats, Alfalfa Meal, Ground Grain Screenings, Cotton Seed Meal, Molasses and 1 per cent Salt" or "Ingredients Cracked Corn, Rolled Oats, Alfalfa Meal, Oat Feed, Salt and Molasses," as the case might be.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the product in eight of the nine consignments was deficient in protein, the said 8 samples containing 6 per cent, 5.44 per cent, 8 per cent, 8.56 per cent, 7.75 per cent, 7.56 per cent, 7.69 per cent, and 8.56 per cent, respectively, of protein. Examination by said bureau showed that three of the nine consignments contained both ground and unground oat hulls not declared as ingredients but did not contain alfalfa meal and cottonseed meal as declared. The remaining six consignments contained a very small amount of cracked corn, the oats consisted mostly of empty and light oats with loose hulls, straw and chaff, and they did not contain alfalfa meal as declared. One of the said six consignments contained cottonseed meal not declared.

Adulteration of the article was alleged in substance in the information for the reason that a product which contained certain ingredients not declared on the labels and which did not contain certain ingredients that were declared and which in eight of the nine shipments contained less than 9 per cent of protein had been substituted for an article purporting to be composed of the ingredients declared on the labels and purporting to contain 9 per cent of protein in eight of the nine consignments.

Misbranding was alleged in substance for the reason that the statements, to wit, "Guaranteed Average Analysis Protein 9.00%," with respect to eight of the nine consignments of the product, and the statements "Ingredients Corn, Oats, Alfalfa Meal, Ground Grain Screenings, Cotton Seed Meal, Molasses and 1 per cent Salt" or "Ingredients Cracked Corn, Rolled Oats, Alfalfa Meal, Oat Feed, Salt and Molasses," as the case might be, borne on the labels, were false and misleading, in that the said statements represented that the article contained 9 per cent of protein and was composed wholly of the ingredients declared on the labels, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 9 per cent of protein and was composed wholly of the ingredients declared on the labels, whereas the said article in eight of the said nine consignments contained less than 9 per cent of protein, and the product involved in all of the consignments contained certain ingredients not declared on the labels and did not contain certain ingredients that were declared.

On May 26, 1925, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13568. Adulteration of chloroform. U. S. v. 14 Cans of Chloroform. Default order of destruction. (F. & D. No. 16636. S. No. E-4056.)**

On July 18, 1922, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 cans of chloroform, at Hendersonville, N. C., alleging that the article had been shipped from New York, N. Y., April 13, 1922, and transported from the State of New York into the State of North Carolina, and charging adulteration in violation of the food and drugs act.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia.

On August 3, 1923, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13569. Misbranding of grapes. U. S. v. Charles Peter Lawson (C. P. Lawson & Sons). Plea of guilty. Fine, \$25. (F. & D. No. 17409. I. S. No. 6638-v.)**

On June 12, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Peter Lawson, trading as C. P. Lawson & Sons, Brocton, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about October 23, 1922, from the State of New York into the State of Missouri, of quantities of grapes in baskets which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 19, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13570. Misbranding of butter. U. S. v. the Gray & White Co. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 18105. I. S. No. 1771-v.)**

On March 12, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gray & White Co., Defiance, Ohio, alleging shipment by said company, in violation of the food-and drugs act as amended, on or about June 13, 1923, from the State of Ohio into the State of Massachusetts, of a quantity of butter which was misbranded. The article was labeled in part: (Package) "One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 120 prints of butter from the consignment showed an average net weight of 15.77 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the article, was false and misleading, in that the said statement represented that each of the said packages contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound of butter, whereas each of said packages did not contain 1 pound of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 5, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13571. Adulteration of frozen eggs. U. S. v. 822 Cans of Frozen Eggs. Product released under bond. (F. & D. No. 18290. I. S. No. 4017-v. S. No. C-4274.)**

On February 5, 1924, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 822 cans of frozen eggs, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the H. J. Keith Co., from Duluth, Minn., November 6, 1923, and transported from the State of Minnesota into the State of Michigan, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel, in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 13, 1924, the American Butter & Cheese Co., incorporated under the laws of Michigan, having appeared as claimant for the property, an order of the court was entered, providing that the product might be released to the said claimant upon the execution of a bond in the sum of \$1,000, conditioned in part that the bad portion not be disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13572. Adulteration and misbranding of cottonseed feed. U. S. v. 200 Sacks of Cottonseed Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19964. I. S. No. 9024-v. S. No. E-5266.)**

On April 6, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on May 29, 1925, an amendment to said libel praying the seizure and condemnation of 200 sacks of cottonseed feed, remaining in the original unbroken packages at Southbridge, Mass., alleging that the article had been shipped by E. Goodwin, from Freemont, N. C., November 4, 1924, and transported from the State of North Carolina into the State of Massachusetts and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Protein 36.00% \* \* \* Crude Fibre (Max.) 15.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and containing excessive fiber had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements "Guaranteed Analysis Protein 36.00% \* \* \* Crude Fibre (Max.) 15.00%," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 29, 1925, the Humphries-Goodwin Co., Memphis, Tenn., having appeared as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13573. Adulteration of canned salmon. U. S. v. 300 Cases of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19105. I. S. No. 21037-v. S. No. W-1597.)**

On October 31, 1924, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 cases of canned salmon, remaining in the original unbroken packages at Astoria, Oreg., alleging that the article had been shipped by the Pillar Rock Packing Co., from Pillar Rock, Wash., on or about October 16, 1924, and transported from the State of Washington into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pillar Rock Brand Columbia River Salmon \* \* \* Packed By Pillar Rock Packing Co. Pillar Rock, Wahkiakum Co. Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal sub-

stance, and for the further reason that filthy, decomposed, and putrid salmon had been substituted for normal salmon of good commercial quality.

On May 22, 1925, the Pillar Rock Packing Co., Pillar Rock, Wash., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,800, in conformity with section 10 of the act, conditioned in part that the portion fit for human consumption be reconditioned and repacked and the bad portion destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13574. Adulteration and misbranding of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20181. I. S. No. 24894-v. S. No. E-5391.)**

On June 25, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Schley Creamery Co., Cresco, Iowa, on or about June 13, 1925, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 14, 1925, the Schley Creamery Co., Cresco, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13575. Adulteration and misbranding of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20211. I. S. No. 24938-v. S. No. E-5406.)**

On June 30, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Coop. Creamery Co., Chester, Iowa, on or about June 20, 1925, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 11, 1925, the Minnesota Co-operative Dairies Assoc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$750, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13576. Adulteration and misbranding of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20210. I. S. No. 24750-v. S. No. E-5400.)**

On June 29, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Adams Creamery, Adams, N. D., through the McDougall Terminal Warehouse Co., from Duluth, Minn., on or about June 17, 1925, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 14, 1925, the Adams Creamery Co., Adams, N. D., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**31577. Adulteration and misbranding of canned tomatoes. U. S. v. Rufus G. Layman, J. Wilbur Layman, Lowell N. Layman (R. G. Layman & Sons). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 17244. I. S. No. 18242-t.)**

On July 24, 1923, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Rufus G. Layman, J. Wilbur Layman, and Lowell N. Layman, copartners, trading as R. G. Layman & Sons, Cloverdale, Va., alleging shipment by said defendants, in violation of the food and drugs act, on or about February 1, 1922, from the State of Virginia into the State of Texas, of a quantity of canned tomatoes which were adulterated and misbranded. The article was labeled in part: (Can) "Springdale Brand Hand Packed Tomatoes \* \* \* Packed By R. G. Layman & Sons Cloverdale, Va."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and in that added water had been substituted for tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Tomatoes," borne on the labels attached to the cans containing the article, was false and misleading, in that it represented that the said article consisted wholly of tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of tomatoes, whereas it did not so consist but did consist in part of added water.

On August 8, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13578. Adulteration and misbranding of canned peas. U. S. v. Elkhart Lake Canning Co. Plea of guilty. Fine, \$10. (F. & D. No. 17251. I. S. Nos. 3776-v, 15027-t.)**

On June 2, 1923, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Elkhart Lake Canning Co., a corporation, Elkhart Lake, Wis., alleging shipment by said company, in violation of the food and drugs act as amended, on



or about July 29, 1921, from the State of Wisconsin into the State of New York, and on or about July 11, 1922, from the State of Wisconsin into the State of Illinois, of quantities of canned peas, the former consignment of which was adulterated and misbranded and the latter of which was adulterated. The consignment of July 29, 1921, was labeled in part: (Can) "Star of Wisconsin Brand Wisconsin Extra Sifted Early June Peas \* \* \* Contents 6 Lbs. 12 Ozs. \* \* \* Packed By Elkhart Lake Canning Co., Elkhart Lake, Wisconsin." The other consignment was labeled in part: (Can) "Sifted Early June Peas."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained excessive liquid. Examination of 24 cans of the Star of Wisconsin brand showed an average net weight of 6 pounds 9.7 ounces.

Adulteration of the article was alleged in the information for the reason that excessive water, or brine, had been substituted in part for peas, which the said article purported to be.

Misbranding was alleged with respect to the portion of the product consigned July 29, 1921, for the reason that the statement, to wit "6 Lbs. 12 Ozs.," borne on the labels, was false and misleading, in that it represented that each of the cans contained 6 pounds and 12 ounces of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 6 pounds and 12 ounces of the said article, whereas each of said cans did not contain the amount declared on the labels but did contain a less amount. Misbranding was alleged with respect to the said portion of the product consigned July 29, 1921, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13579. Alleged adulteration and misbranding of Sparkling Concord beverage. U. S. v. Milwaukee-Waukesha Brewing Co. Demurrer to the information sustained. (F. & D. No. 14542. I. S. No. 4133-t.)**

On June 16, 1921, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Milwaukee-Waukesha Brewing Co., a corporation, Waukesha, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about April 24, 1920, from the State of Wisconsin into the State of Illinois, of a quantity of a product labeled "Sparkling Concord" which was alleged to be adulterated and misbranded. The article was labeled in part: (Bottle) "Fox Head Sparkling Concord Made With Waukesha Spring Water Milwaukee-Waukesha Brewing Co. Waukesha, Wis."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a carbonated sugar solution artificially colored and flavored.

Adulteration of the article was alleged in the information for the reason that an artificially flavored sugar solution artificially colored to conceal its inferiority had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for the said article, so as to injuriously affect its quality.

Misbranding was alleged for the reason that the statements, to wit, "Sparkling Concord Made With Waukesha Spring Water," borne on the labels attached to the bottles containing the article, were false and misleading, in that the said statements represented that the article was made with Concord grape juice and Waukesha spring water, whereas it was not made with Concord grape juice and Waukesha spring water but was an artificially flavored sugar solution artificially colored to conceal its inferiority.

On July 5, 1921, a demurrer to the information was filed on behalf of the defendant company. On June 13, 1925, the demurrer came on for argument before the court and was sustained, and the defendant was discharged.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13580. Adulteration of tomato catsup. U. S. v. 1,025 Cases of Tomato Catsup. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19520. I. S. No. 17342-v. S. No. E-4968.)**

On January 21, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,025 cases of tomato catsup, consigned in part on or about October 2, 1924, and in part on or about October 8, 1924, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Davis Canning Co., from Laurel, Del., and transported from the State of Delaware into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Tomato Catsup Packed By The Davis Canning Co. Laurel, Del."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On July 7, 1925, the Davis Canning Co., Laurel, Del., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13581. Adulteration and misbranding of apples. U. S. v. Fred L. Ferris. Plea of guilty. Fine, \$75. (F. & D. No. 15850. I. S. Nos. 5944-t, 5945-t.)**

On October 17, 1922, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fred L. Ferris, Albion, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about May 11, 1921, from the State of New York into the State of Ohio, and on or about May 12, 1921, from the State of New York into the State of Pennsylvania, of quantities of apples which were adulterated and misbranded. The article was labeled: (Barrel) "Baldwins, New York Standard A Grade Min. Size  $2\frac{1}{2}$  F. L. Ferris, Albion, N. Y."

Examination by the Bureau of Chemistry of this department of samples consisting of a number of barrels of the product from each consignment showed that the said samples averaged 41.33 per cent and 73 per cent, respectively, of apples below grade, consisting of undersized, insect injured, and scalded apples.

Adulteration of the article was alleged in the information for the reason that apples of a lower grade than Baldwins, New York Standard A grade, and of a minimum size less than  $2\frac{1}{2}$  inches in diameter had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and had been substituted wholly or in part for Baldwins, New York Standard A grade apples, of a minimum size not less than  $2\frac{1}{2}$  inches in diameter, which the article purported to be.

Misbranding was alleged in substance for the reason that the statement, to wit, "Baldwins, New York Standard A Grade Min. Size  $2\frac{1}{2}$ ," borne on the barrels containing the article, was false and misleading, in that the said statement represented that the article was composed wholly of New York Standard A grade Baldwin apples of a minimum size not less than  $2\frac{1}{2}$  inches in diameter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of Baldwins, New York Standard A grade apples of a minimum size not less than  $2\frac{1}{2}$  inches in diameter, whereas it did not so consist but did consist in part of apples less than  $2\frac{1}{2}$  inches in diameter and of a lower grade than declared on the labels. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 14, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13582. Misbranding of grapes. U. S. v. Elmer G. Porter. Plea of nolo contendere. Fine, \$25. (F. & D. No. 14724. I. S. No. 5914-t.)**

On July 12, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Elmer G. Porter, Caywood, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about November 4, 1920, from the State of New York into the State of Pennsylvania, of a quantity of grapes in baskets which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On May 8, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13583. Adulteration of butter. U. S. v. 18 Boxes of Butter. Product released under bond to be reconditioned. (F. & D. No. 18876. I. S. No. 12286-v. S. No. W-1533.)**

On July 21, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Timpanagos Creamery, Salt Lake City, Utah, on or about July 15, 1924, and transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and in that a valuable constituent, namely, milk fat, had been in part abstracted therefrom.

On February 18, 1925, the product having been theretofore taken down under bond and reconditioned by the claimant, the Timpanagos Co., Provo, Utah, in conformity with an order of the court filed on August 27, 1924, judgment was entered, finding the product adulterated as alleged in the libel and ordering that it be released and the bond exonerated.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13584. Adulteration and misbranding of butter. U. S. v. 7 Tubs and 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20182. I. S. No. 24929-v. S. No. E-5390.)**

On June 24, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Minnesota Cooperative Creamery Assoc., Duluth, Minn., on or about June 11, 1925, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 9, 1925, the Minnesota Cooperative Creameries Assoc., Inc., Duluth, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$450, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13585. Adulteration and misbranding of prepared mustard. U. S. v. Knadler & Lucas. Plea of guilty. Fine, \$25. (F. & D. No. 17143. I. S. No. 8179-t.)**

On April 11, 1923, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Knadler & Lucas, a corporation, Louisville, Ky., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 1, 1921, from the State of Kentucky into the State of South Carolina, of a quantity of prepared mustard which was adulterated and misbranded. The article was labeled in part: (Jar) "Prepared Mustard Contents Net Weight 9 Oz. Avd. Knadler & Lucas Incorporated Louisville, Ky."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added mustard hulls. Examination of 5 jars by said bureau showed an average net weight of 8.4 ounces.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, mustard hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and for the further reason that an excessive amount of mustard hulls had been substituted for prepared mustard, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Prepared Mustard" and "Contents Net Weight 9 Oz. Avd.," borne on the labels attached to the jars containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of prepared mustard and that each of the said jars contained 9 ounces net weight thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of prepared mustard and that each of the said jars contained 9 ounces net weight thereof, whereas it did not consist wholly of prepared mustard but did consist of a product which contained an excessive amount of mustard hulls, and each of said jars did not contain 9 ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 10, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13586. Adulteration and misbranding of tankage. U. S. v. Standard By-Products Co. Plea of guilty. Fine, \$50. (F. & D. No. 19258. I. S. No. 9106-v.)**

On January 22, 1925, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Standard By-Products Co., a corporation, Louisville, Ky., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 21, 1923, from the State of Kentucky into the State of Indiana, of a quantity of tankage which was adulterated and misbranded. The article was contained in unlabeled sacks and was invoiced as "Feeding Tankage 50%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.56 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a product deficient in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted for feeding tankage having a protein content of 50 per cent, which the said article purported to be.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, feeding tankage 50%, that is, an article having a protein content of 50 per cent, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 26, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13587. Misbranding of butter. U. S. v. 300 Cartons of Butter. Product released under bond. Decree of condemnation and forfeiture and judgment for costs entered.** (F. & D. No. 18399. I. S. No. 7497-v. S. No. C-4291.)

On February 20, 1924, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 cartons of butter, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by the Southwestern Creamery Co., from Joplin, Mo., on or about February 11, 1924, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Meadow Queen Brand Creamery Butter Manufactured By Southwestern Creamery Company Joplin Missouri 16 Ounces Net" (or "One Pound Net").

Misbranding of the article was alleged in the libel for the reason that the statements "16 Ounces Net" and "One Pound Net," borne on the said cartons, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 4, 1924, the Southwestern Creamery Co., Joplin, Mo., having filed a claim and answer admitting the material allegations of the libel and the product having been theretofore released under a bond executed by said claimant to secure compliance with the terms of the judgment entered upon the final disposition of the case, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the claimant pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13588. Adulteration of butter. U. S. v. 205 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20207. I. S. No. 22424-v. S. No. C-4764.)

On June 29, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 205 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Pelstring-Erickson Co., from Canby, Minn., June 23, 1925, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article to wit, butterfat, had been in part abstracted therefrom.

On July 10, 1925, the Max Malter Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13589. Adulteration of butter. U. S. v. 147 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20258. I. S. No. 22454-v. S. No. C-4768.)

On July 1, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 147 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Dallas Creamery Co., from Dallas, Wis., June 23, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.



Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

On July 14, 1925, the Dallas Creamery Co., Dallas, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13590. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20200. I. S. No. 22430-v. S. No. C-4758.)

On June 25, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Wacousta Creamery Co., from Ottosen, Iowa, June 19, 1925, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

On July 10, 1925, F. Holle & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13591. Adulteration and alleged misbranding of butter. U. S. v. 21 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20256. I. S. No. 1202-x. S. No. C-4774.)

On July 6, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 21 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Valley Dairy Products Co., from Appleton, Wis., June 30, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.



On July 15, 1925, Gallagher Bros., Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so that it contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13592. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 20259. I. S. No. 22451-v. S. No. C-4759.)

On June 30, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Bode Creamery Co., from Bode, Iowa, June 19, 1925, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On July 13, 1925, Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13593. Adulteration of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 20243. I. S. No. 22338-v. S. No. C-4763.)

On June 29, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 37 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Reliance Cooperative Creamery Co., from Reliance, S. D., June 18, 1925, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On July 13, 1925, Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13594. Adulteration of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20202. I. S. No. 22426-v. S. No. C-4754.)

On June 20, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 28 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Park Falls Creamery Co., from Park Falls, Wis., June 15, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

On July 13, 1925, Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13595. Adulteration of canned salmon. U. S. v. 16 Cases and 86 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18278. I. S. Nos. 18719-v, 18720-v. S. No. C-4273.)

On January 30, 1924, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cases of chum salmon and 86 cases of pink salmon, at Prescott, Ark., alleging that the article had been shipped by Gorman & Co., Seattle, Wash., on or about September 28, 1923, and transported from the State of Washington into the State of Arkansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Gorman's Chum" (or "Pink") "Salmon Distributed by Gorman And Company, Seattle, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On May 12, 1925, the Walker Grocery Co., Stamps, Ark., claimant, having consented to the entry of a decree and to the reconditioning of the product under the supervision of this department, judgment of condemnation was entered, and it was ordered by the court that the good portion of the product be delivered to the claimant upon payment of the costs of the proceedings, the execution of a bond in the sum of \$250, in conformity with section 10 of the act, and the destruction of the portion unfit for human consumption.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13596. Misbranding of canned tomatoes. U. S. v. Daniel Foggie Arrington and Richard Irving Arrington (Arrington Bros.). Pleas of guilty. Fine, \$50.** (F. & D. No. 19316. I. S. Nos. 798-v, 16502-v.)

On April 28, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Daniel Foggie Arrington and Richard Irving Arrington, copartners, trading as Arrington Bros., Montvale, Va., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about September 29, 1923, from the State of Virginia into the State of South Carolina, and on or about October 20, 1923, from the State of Virginia into the State of North Carolina, of quantities of canned tomatoes which were misbranded. The article was labeled in part: "Smyrna Special Brand Tomatoes Contents 2 Pounds \* \* \* Packed By Arrington Bros. Montvale, Va."



Examination by the Bureau of Chemistry of this department of samples consisting of 24 cans from each of the two consignments showed average shortages in the net contents of 3.3 ounces and 2.3 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 2 Pounds," borne on the labels, was false and misleading, in that the said statement represented that each of the cans contained 2 pounds of tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 2 pounds of tomatoes, whereas each of said cans did not contain 2 pounds of tomatoes but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 6, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13597. Misbranding and alleged adulteration of canned tomatoes. U. S. v. 96 Cases of Tomatoes. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19213. I. S. No. 17329-v. S. No. E-5032.)

On or about December 8, 1924, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying the seizure and condemnation of 96 cases of tomatoes, remaining in the original unbroken packages at Staunton, Va., consigned on or about September 4, 1924, alleging that the article had been shipped by the H. J. McGrath Co., from Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "McGrath's Tomatoes \* \* \* Champion Brand Packed by The H. J. McGrath Co. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomatoes," borne on the label, was false and misleading and deceived the purchaser into the belief that the article was in fact tomatoes, whereas it consisted in part of another substance, namely, added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of tomatoes, whereas it consisted in part of another article, namely, water.

On June 10, 1925, the H. J. McGrath Co., Baltimore, Md., having appeared as claimant for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13598. Adulteration and misbranding of pickles. U. S. v. Bond Pickle Co. Plea of guilty. Fine, \$10.** (F. & D. No. 18351. I. S. No. 6749-v.)

On December 31, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Bond Pickle Co., a corporation, Sobieski, Wis., alleging shipment by said company, in violation of the food and drugs act as amended, on or about October 16, 1923, from the State of Wisconsin into the State of Missouri, of a quantity of pickles which were adulterated and misbranded. The article was contained in casks labeled in part: "Bond Pickle Co. 45 Gals. 800 Size" (or "1200 Size") "Dill Pickles Oconto Wis."

Examination by the Bureau of Chemistry of this department of 10 barrels from the consignment showed an average shortage of 3.08 gallons. A count of 7 barrels of the alleged 1,200 size and 5 barrels of the alleged 800 size showed an average count of 1,049 pickles and 681 pickles, respectively.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, brine, had been substituted in part for pickles, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "45 Gals.," borne on each of the casks, and the statements "800 Size" and "1200 Size," borne on respective portions of the said casks, were false and misleading, in that the said statements represented that each of the said casks contained 45 gallons of the article, and that they contained 800 pickles or 1,200 pickles, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the casks each contained 45 gallons of the said article, and that they contained 800 pickles or 1,200 pickles, as the case might be, whereas the said casks did not contain 45 gallons of the article but did contain a less amount, and they did not contain the number of pickles declared on the respective labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 16, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13599. Adulteration and misbranding of horse and mule feed. U. S. v. Chas. A. Krause Milling Co. Plea of guilty. Fine, \$200. (F. & D. No. 19277. I. S. No. 12631-v.)**

On January 6, 1925, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chas. A. Krause Milling Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about April 10, 1924, from the State of Wisconsin into the State of Maryland, of a quantity of horse and mule feed which was adulterated and misbranded. The article was labeled in part: (Tag) "K-O Horse And Mule Feed Protein 10% Fat 2% \* \* \* Mfd. by Chas. A. Krause Milling Co. Milwaukee, Wisconsin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 7.77 per cent of protein and 1.55 per cent of ether extract or fat.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein and fat had been substituted for an article having a protein content of 10 per cent and a fat content of 2 per cent, which the said article purported to be, and for the further reason that a substance deficient in protein and fat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, to wit, "Horse And Mule Feed Protein 10% Fat 2%," borne on the label, were false and misleading, in that the said statements represented that the article contained 10 per cent of protein and 2 per cent of fat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 10 per cent of protein and 2 per cent of fat, whereas it contained less protein and less fat than declared on the label.

On June 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13600. Adulteration and misbranding of canned sardines. U. S. v. 650 Cases of Sardines. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19507. I. S. Nos. 21126-v, 21127-v. S. No. W-932.)**

On January 16, 1925, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 650 cases of sardines, remaining in the original unbroken packages at Spokane, Wash., consigned by the Kelley-Clarke Co., Portland, Oreg., alleging that the article had been shipped on or about October 31, 1924, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Conqueror Brand American Sardines in cottonseed oil" (or "Pine Tree Brand Maine Sardines in Mustard Sauce") "Packed by Seacoast Canning Co., Eastport, Maine."



Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the article was offered for sale as an article of standard quality, whereas it was an article of inferior quality, and the purchaser was misled thereby.

On June 6, 1925, the Seacoast Canning Co., Eastport, Me., claimant, having admitted the allegations of the libel and having taken the product down under bond, in conformity with section 10 of the act, a decree of the court was entered, finding the allegations of the libel to be true and ordering the condemnation and forfeiture of the product, and it appearing to the court that the Pine Tree brand of the product had been destroyed and the remainder reconditioned and approved by this department, it was ordered by the court that the said bond be released upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

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# United States Department of Agriculture

## SERVICE AND REGULATORY ANNOUNCEMENTS

### BUREAU OF CHEMISTRY

### SUPPLEMENT

N. J. 13601-13650

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 28, 1925]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13601. Misbranding of cabbages. U. S. v. Snyder Packing Co. Plea of guilty. Fine, \$200. (F. & D. No. 18352. I. S. No. 3960-v.)**

On October 29, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Snyder Packing Co., a corporation, Calexico, Calif., alleging shipment by said company, in violation of the food and drugs act as amended, on or about April 9, 1923, from the State of California into the State of Illinois, of a quantity of cabbages in crates which were misbranded. A portion was marked with blue pencil "80," and the remainder was marked with blue pencil "85," and in no other manner.

Examination by the Bureau of Chemistry of this department of 16 of the alleged 80-pound crates showed an average weight of 64.4 pounds; examination of 14 of the alleged 85-pound crates showed an average weight of 67.1 pounds.

Misbranding of the article was alleged in the information for the reason that the respective statements, to wit, "80" and "85," borne on the crates containing the article, were false and misleading, in that the said statements represented that the crates each contained 80 pounds or 85 pounds of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the crates each contained 80 pounds or 85 pounds of the article, as the case might be, whereas the said crates did not contain the respective amounts declared thereon but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13602. Adulteration and misbranding of tankage. U. S. v. Joseph F. Herrmann (Joseph F. Herrmann & Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19651. I. S. No. 8847-v.)**

On June 23, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph F. Herrmann, trading as Joseph F. Herrmann & Co., Chicago, Ill., alleging shipment by said defendant, in violation of the food and drugs act, on or about May 13, 1924, from the State of Illinois into the State of Indiana, of a quantity of tankage which was adulterated and misbranded. The article

was labeled in part: (Tag) "Joseph F. Herrmann & Company, of Chicago, Ill., Guarantees this Herrmann's Digester Tankage to contain not less than \* \* \* 60.0 per cent of crude protein."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 55.8 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a substance containing less than 60 per cent of crude protein had been substituted for digester tankage guaranteed to contain not less than 60 per cent of crude protein, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Joseph F. Herrmann & Company, of Chicago, Ill., Guarantees this Herrmann's Digester Tankage to contain not less than 60.0 per cent of crude protein," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that the article contained not less than 60 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of crude protein, whereas it did not contain 60 per cent of crude protein but did contain a less amount.

On July 13, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13603. Adulteration of butter. U. S. v. the George Freese's Sons Co. Plea of guilty. Fine, \$25. (F. & D. No. 17920. I. S. No. 1699-v.)**

On January 19, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the George Freese's Sons Co., a corporation, Fostoria, Ohio, alleging shipment by said company, in violation of the food and drugs act, on or about February 24, 1923, from the State of Ohio into the State of Massachusetts, of a quantity of butter which was adulterated.

Analysis by the Bureau of Chemistry of this department of 8 samples of the article showed an average of 78.70 per cent of fat and 16.79 per cent of moisture.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be.

On June 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13604. Adulteration and misbranding of butter. U. S. v. 41 Tubs and 36 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20213, 20214. I. S. Nos. 24748-v, 24749-v. S. Nos. E-5397, E-5399.)**

On June 29, 1925, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 77 tubs of butter, remaining in the original unbroken packages at New York, N. Y., one libel alleging shipment by McDougall Terminal Wholesale Co., and one libel alleging shipment by the McDougall Terminal Warehouse, from Duluth, Minn., on or about June 17, 1925, the article having been transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 11 and 14, 1925, respectively, the Minnesota-Cooperative Dairies Assoc. and the Farmers Cooperative Creamery having appeared as claimants for respective portions of the product and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings



and the execution of bonds in the aggregate sum of \$2,080, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13605. Adulteration and misbranding of canned salmon. U. S. v. 100 Cases, et al., of Salmon. Tried to the court and a jury. Verdict for the Government. Decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 17265, 17266, 17270, 17271, 17287, 17375, 17387. S. Nos. C-3877, C-3883, C-3884, C-3905, C-3914, C-3954.)

On February 10 and 17 and March 16 and 22, 1923, respectively, the United States attorney for the Western District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and thereafter amendments to two of the said libels, praying the seizure and condemnation of 2,205 cases of canned salmon, remaining in the original unbroken packages in various lots at Brenham, Austin, and Waco, Tex., respectively, alleging that a portion of the article had been shipped by the Pacific American Fisheries, Seattle, Wash., October 11, 1922, that a portion was shipped by G. Batcheller Hall, Seattle, Wash., November 28, 1922, and that the remainder thereof was shipped by the Kelley-Clarke Co., Seattle, Wash., in part October 14, 1922, in part November 10, 1922, and in part December 8, 1922, and that the said article had been transported from the State of Washington into the State of Texas, and charging adulteration with respect to all of the said product and misbranding with respect to 1,014 cases of the product, in violation of the food and drugs act. The cans containing the article were labeled, variously: "Daybreak Brand Chum Salmon Packed In Alaska By Southern Alaska Canning Co., Seattle, Wash."; "Sambo Brand Chum Salmon Packed In Alaska By Southern Alaska Canning Co., Main Office Seattle, Wash."; "Snowshoe Brand Select Pink Alaska Salmon Packed In Alaska By Southern Alaska Canning Co. Seattle."; "Diamond "S" Brand Pink Salmon Packed By Alaska Sanitary Packing Co. Wrangell, Alaska, Main Office Seattle"; "King Bird Brand Pink Salmon Packed For Pacific American Fisheries, Bellingham, Wash."; "Oasis Brand Pink Salmon Packed By Pyramid Packing Co., Sitka, Alaska G. Batcheller Hall Co. Distributor Seattle, Wash." The King Bird brand salmon was further labeled: (Case) "King Bird Brand Salmon Packed by George Inlet Packing Co. Ketchikan, Alaska."

Adulteration of the article was alleged in the libels with respect to all of the said product for the reason that it consisted in part of a decomposed, filthy, and putrid animal substance.

Misbranding was alleged with respect to the product involved in the 100 cases of Snowshoe brand salmon for the reason that the design in relief of a salmon, and the words "Select Pink" and "Alaska Salmon," borne on the labels of the cans containing the article, were false, in that they represented that the contents of the said cans was select pink Alaska salmon, whereas the contents of the said cans was a poor pack of pink salmon of an inferior and not a select grade, and for the further reason that the said representation was misleading, in that it was calculated to deceive purchasers into believing the facts so falsely represented.

Misbranding was alleged with respect to the product involved in the 914 cases of Diamond "S" brand salmon, in that the statement "15½ Oz. Net Fresh Salmon Cooked In Can After Sealing," appearing on the labels of the cans containing the article, was false, in that it represented that the contents of the said cans was so many ounces of fresh salmon, whereas in fact the said contents was not fresh fish in the sense of the term as used in the canning trade, and for the further reason that the said representation was misleading, in that it was calculated to deceive purchasers into believing the facts so falsely represented.

On January 27, 1925, the Southern Alaska Canning Co., Seattle, Wash., the Pacific American Fisheries, Bellingham, Wash., and the Shear Co., Waco, Tex., having appeared as claimants for respective portions of the product, the cases came on for trial before the court and a jury. After the submission of evidence and arguments by counsel, the court delivered the following instructions to the jury (West, D. J.):

"GENTLEMEN OF THE JURY: The issues of fact in six separate suits are submitted to you for determination. The parties have agreed and the court has consented that this may be done. The evidence in general has relevancy to each and every suit. Direct evidence having application to each particular



suit is also offered. The issues being practically alike, a single jury may try them, thereby securing six separate trials without calling as many juries.

"The Government has seized six certain interstate shipments of canned salmon described in the six several suits, claiming adulteration, in that each shipment consisted in whole or in part of decomposed salmon. An added ground of seizure is alleged as to two of the shipments, claiming that each was misbranded.

"Section 7, paragraph 6, of the food and drugs act (Comp. St. ss. 8723 and 8724) of 1906, provides 'that for the purpose of this act, an article shall be deemed to be adulterated: In the case of food, if it consists in whole or in part of decomposed \* \* \* animal substance.' Section 8 provides 'that for the purpose of this act the term "misbranded" as used herein shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device, regarding such articles \* \* \* which shall be false or misleading in any particular.' And in the case of food, paragraph 2 'if it be labeled or branded so as to deceive or mislead the purchaser.' Section 10 of the act provides that adulterated articles shall be excluded from interstate commerce and be subject to seizure by the Government through the district courts by process of libel for condemnation. It is conceded that the salmon was moving from Seattle, Wash., consigned to Texas points.

"The Government as libellant in each of the suits stands as a plaintiff and seeks condemnation and destruction of each shipment. The claimants are owners or consignees, taking the attitude of defendants.

"Responsive to the publication of notices of the Government's purpose, the various claimants named in each libel have intervened, asserting ownership of the several shipments seized in each suit, and deny in each suit that the salmon was adulterated or misbranded as charged by the Government and charge that no lawful grounds exist for the seizure, condemnation, or destruction of the property and say that each shipment should be delivered to the respective claimant.

"The statute requires you to decide whether the salmon consisted in whole or in part of decomposed animal substance and, in two of the suits, whether those two particular shipments of salmon were misbranded.

"The word 'decomposed' as used in the statutes, applying its ordinary meaning, is a state of decomposition, and 'decomposition' means a condition of being decayed, putrid, or rotten. If, therefore, you find that the salmon in question was decomposed as defined, you should find for the Government, libellant, and against the claimants.

"Section 7 of the act refers to the adulteration of the 'article.' Each shipment consists of hundreds of cases of salmon, each case containing 48 cans. Does the use of the word 'article' in the statute have reference to a single package, such as a can, or does it refer to the separate case, or to the shipment as a whole? You are instructed that the word 'article' as used does not refer to the single, separate can, or to the single or separate case, of salmon in each shipment, but refers to each lot or shipment seized under each of the several suits.

"The letter of the statute forbids the transportation and sale in interstate commerce of an article of food which is decomposed. The words used are free and clear from ambiguity, and each has a common, ordinary, every-day, well-known meaning. It would, therefore, be improper for you to take into consideration any evidence which tends to show that the salmon is fit or unfit for food, or harmful to health. There is nothing in the statute itself which would make the state of healthfulness or the edibility of the article relevant to your inquiry. Those considerations, if in your minds, must be disregarded. It makes no difference whether the salmon was fit for food and healthful or was not.

"Decomposition begins where life ends, but that is not the sort of decomposition meant by the statute. The moment life commences, in a sense it begins to fade, and the moment that life ceases, in a sense decomposition begins, and increases by degrees to rottenness, decomposition, and decay. The witnesses both for the claimants and the libellant uniformly testify as to salmon that three well defined degrees of decomposition exists after life has ceased. The first definite or least degree of decomposition was described as "stale," the second or next greater degree was called "tainted," and the third or last degree indicates total decomposition and was called "putrid." If you find and believe that the evidence in these suits has fixed such degrees or states of decom-

position, you may consider them in arriving at your judgment as to whether the shipments of salmon were adulterated or not. That is to say, whether or not the salmon was 'stale,' 'tainted,' or 'putrid,' in whole or in part; and if you find that either degree of decomposition existed as shown by a preponderance of the evidence, then your verdict would be for the libelant.

"The burden rests upon the Government, libelant, to establish to your satisfaction by a preponderance of evidence that each of the various lots of salmon seized is adulterated as herein defined. If, therefore, you believe that the greater weight or preponderance of the evidence does not satisfy you that the salmon was adulterated, in whole or in part, as defined herein, then the Government has failed to sustain the burden cast upon it, in which event you would find for the claimant or claimants, in the several separate suits submitted.

"The statute declares that an article of food which consists in whole or in part of a decomposed animal substance may be condemned. The state of decomposition, in whole or in part, as applied to the various shipments of salmon involved in these suits, requires some elucidation; for instance, what part of the whole of each shipment of salmon is to guide the jury? To what extent would the whole of the shipment be considered as partly decomposed? Would an infinitesimally small fraction of the whole of a shipment be within the meaning of the law as a 'part,' and thus require a finding against the claimants and in favor of libelant? On these questions the court instructs you that you will carefully consider the evidence of all the witnesses, both for the Government tending to establish a substantial degree of decomposition as applied to the whole of each shipment on the one hand, and all of the evidence introduced by the claimants in each suit tending to show that decomposition did not exist to any appreciable extent. It is your duty to reconcile conflicting statements of the witnesses, and likewise must you consider the evidence as a whole and thus arrive at a proper verdict in the light of all the evidence. The words of the statute 'in whole or in part' should be given a reasonable and common sense application, having reference to the purpose of the act.

"Therefore, if you should find that the adulteration or decomposition referred to extended to the whole shipment sought to be condemned in each suit, although you need not find that each and every can of salmon was so decomposed, nevertheless you should find, before warranting condemnation, that the decomposition extended to a substantial degree throughout the whole of each shipment. If such condition does exist you should find for the Government, libelant. If, on the other hand, you should find that decomposition extended to the entire shipment in each of the several suits, but that the degree of decomposition which extended throughout the whole of each shipment was in so small a proportionate degree to the whole as to be insignificant or inconsiderable, then you would find your verdict in favor of the claimant or claimants in the several suits where so small a state or degree of decomposition did so exist.

"And again, if you should find that no adulteration and no decomposition existed in any one or in all of the several shipments in the several suits being considered by you, you would find in favor of such claimant, or all of the claimants.

"You are instructed as to the allegations and charges of misbranding as set forth in cases Nos. 1032 and 1055: The Government, libelant, claims in these two cases that condemnation has been incurred because of the adulteration by decomposition of the canned salmon, and it should also be declared forfeited because of being misbranded. The misbranding in case No. 1032 is charged to consist of a false and misleading statement and design appearing on the labels of the cans containing the food product, having reference to a picture of a salmon with the words on the picture 'Select Pink' and words underneath 'Alaska Salmon'; that the picture and the words were intended to convey the false representations that the can contained select pink Alaska salmon but the truth is that the contents consisted of a poor pack of pink salmon of inferior and not of a select grade; that it thus was calculated to deceive prospective purchasers. The label in question was submitted to you in evidence. If you believe the greater weight of the evidence is that the cans were so labeled, bearing the picture and statements set out, and that the words and the picture were false and misleading, and that the contents of the cans was not select pink salmon, but was of a poor and inferior grade and not selected, and was thus calculated to deceive prospective purchasers, then you would be warranted in finding for the Government, libelant. But if, on the other hand, you are not so satisfied and do not find that the cans were



so labeled, or that the words and the picture in evidence are not false or misleading, and that the contents of the cans was of select pink Alaska salmon and of a select grade, then you would be authorized to find the words and the representations were not misleading and calculated to deceive as charged, in which event then your verdict would be for the claimant.

"The misbranding in case No. 1055 consists of a statement appearing on the labels of the cans of that shipment as follows: "15½ Oz. Net Fresh Salmon Cooked In Can After Sealing," charged in the libel to be false, in that it represented the contents as fresh salmon, the fact being that it was not fresh in the sense as used in the canning trade, wherefore the representation was misleading and calculated to deceive prospective purchasers. The label was submitted to you in evidence; if you believe that the greater weight of the evidence is that the cans were so labeled, bearing the statement set out, and that the representation was to the effect that the salmon canned was fresh salmon, when in fact it was not fresh in the sense the term was used in the canning trade, and that the statement was false or misleading and calculated to deceive prospective purchasers, then you would be warranted in finding for the Government, libellant. But if, on the other hand, you are not so satisfied and do not find from the evidence that the cans were so labeled or that the statement in evidence was not a representation that the salmon was canned while fresh and the contents was fresh in the sense used in the canning trade, and was not false or misleading in the particulars set forth, then your verdict will be for the claimant.

"As stated in the beginning, you are to return six separate verdicts representing your finding in each one of the several suits submitted."

The following authorities were consulted and support the instructions given:

United States *vs.* 200 Cases Tomato Catsup (D. C.), 211 Fed. 780.

U. S. *vs.* Boeckel Co. et al. (C. C. A.), 221 Fed. 885.

U. S. *vs.* 496 Boxes Oranges (D. C.), 249 Fed. 505.

A. O. Anderson & Co. *vs.* U. S. (C. C. A.), 284 Fed. 542.

U. S. *vs.* 200 Cases Salmon (D. C.), 289 Fed. 157.

Wood Mfg. Co. *vs.* U. S. (C. C. A.), 292 Fed. 133.

Department of Agriculture records:

Notice of Judgment No. 5527, District Judge Landis, Illinois, charge to jury in U. S. *vs.* 5,060 Cans Tomato Pulp, January 16, 1917.

Notice of Judgment No. 12056, District Judge Faris, Missouri, charge to jury in U. S. *vs.* 496 Cases Salmon, January 16, 1924.

The jury then retired and after due deliberation returned on January 29, 1925, verdicts for the Government.

On or about January 29, 1925, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon application within 90 days from the entry of the decrees and upon the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the product be salvaged and reprocessed, and it was further ordered by the court that the Government recover its costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13606. Adulteration and misbranding of assorted preserves. U. S. v. 557 Cases of Assorted Preserves. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20063, I. S. Nos. 14726 to 14731-v, incl. S. No. C-4723.)**

On May 6, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 557 cases of assorted preserves, at Cincinnati, Ohio, consigned February 13, 1925, by Eigelberner Food Products Co., Chicago, Ill., alleging that the articles had been shipped from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) "Jack Frost \* \* \* Strawberry" (or "Raspberry" or "Blackberry" or "Cherry" or "Peach" or "Loganberry") "Pure Preserves."

Adulteration of the articles was alleged in substance in the libel for the reason that a substance deficient in fruit and containing excessive sugar and added tartaric acid and also containing in the case of the raspberry and blackberry preserves added loganberries had been mixed and packed therewith so



as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the respective articles.

Misbranding was alleged for the reason that the statements "Pure Preserves," "Strawberry," "Raspberry," "Blackberry," "Cherry," "Peach," or "Loganberry," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On June 24, 1925, the Colter Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant to be relabeled under the supervision of this department, upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13607. Adulteration and misbranding of morphine sulphate tablets, codeine sulphate tablets, nitroglycerin tablets, atropine sulphate tablets, strychnine sulphate tablets, and strychnine nitrate tablets.** U. S. v. George H. Gould and Henry H. Gould (George H. Gould & Son). Pleas of guilty. Fine, \$100. (E. & D. No. 18995. I. S. Nos. 4725-v, 4751-v, 5320-v, 5632-v, 5634-v, 6725-v, 6726-v, 6727-v, 7363-v, 7364-v, 7365-v, 7367-v, 17626-v, 17629-v.)

On February 3, 1925, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George H. Gould and Henry H. Gould, copartners, trading as George H. Gould & Son, Louisville, Ky., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on or about October 19 and 20, 1923, respectively, from the State of Kentucky into the State of Missouri, of quantities of codeine sulphate tablets, nitroglycerin tablets, strychnine sulphate tablets, and strychnine nitrate tablets, on or about October 23, 1923, from the State of Kentucky into the State of Minnesota, of quantities of morphine sulphate tablets and nitroglycerin tablets, on or about November 5, 1923, from the State of Kentucky into the State of Ohio, of quantities of morphine sulphate tablets and codeine sulphate tablets, and on or about November 15, 1923, from the State of Kentucky into the States of Illinois and Louisiana, respectively, of quantities of morphine sulphate tablets, nitroglycerin tablets, codeine sulphate tablets, and atropine sulphate tablets, all of which were adulterated and misbranded. The articles were labeled in part, variously: "Hypodermic Tablets Morphine Sulphate One-Half Grain" (or "One-quarter Grain" or "One-eighth Grain") "Geo. H. Gould & Son, Pharmaceuticals, Louisville, Kentucky"; "Hypodermic Tablets Codeine Sulphate 1/2 Grain" (or "1/4 Gr.") "Geo. H. Gould & Son"; "Hypodermic Tablets Nitroglycerine 1/100 Gr."; "Hypodermic Tablets Atropine Sulphate 1/100 Gr. \* \* \* Geo. H. Gould & Son"; "Hypodermic Tablets Strychnine Sulphate 1/40 Gr. \* \* \* Geo. H. Gould & Son"; "Hypodermic Tablets Strychnine Nitrate 1/30 Gr."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The morphine sulphate tablets labeled "One-Half Grain" contained not more than 0.45 grain of morphine sulphate each, the two lots of morphine sulphate tablets labeled "One-quarter Grain" contained not more than 0.22 grain and 0.224 grain, respectively, of morphine sulphate to each tablet and the morphine sulphate tablets labeled "One-eighth Grain" contained approximately 0.111 grain of morphine sulphate each; the two lots of codeine sulphate tablets labeled "1/2 Grain" contained not more than 0.43 grain and 0.443 grain, respectively, of codeine sulphate to each tablet; the codeine sulphate tablets labeled "1/4 Gr." contained not more than 0.0944 grain of codeine sulphate each; the strychnine sulphate tablets, labeled "1/40 Gr.," contained not more than 0.0195 grain of strychnine sulphate each; the strychnine nitrate tablets, labeled "1/30 Gr.," contained approximately 0.0253 grain of strychnine nitrate each; the atropine sulphate tablets, labeled "1/100 Gr.," contained not more than 0.0077 grain of atropine sulphate each; the four lots of nitroglycerin tablets, labeled "1/100 Gr.," contained approximately 0.0051 grain, 0.013 grain, 0.015 grain, and 0.013 grain, respectively, of nitroglycerin to each tablet. The last three lots of nitroglycerin tablets also contained approximately 0.05 grain, 0.06 grain, and 0.06 grain of calcium carbonate to each tablet.

It was alleged in substance in the information that the articles were adulterated, in that their strength and purity fell below the professed standard and quality under which they were sold, in that the said tablets, with the exception of those involved in three consignments of the nitroglycerin tablets, contained less of the respective products than declared on the labels, and the said three consignments of nitroglycerin tablets contained more than 1/100 grain of nitroglycerin to each tablet.

It was further alleged in substance in the information that the articles were misbranded, in that the statements, to wit, "Tablets Morphine Sulphate One-Half Grain," "Tablets Morphine Sulphate One-quarter Grain," "Tablets Morphine Sulphate One-eighth Grain," "Tablets Codeine Sulphate ½ Grain," "Tablets Codeine Sulphate ¼ Gr.," "Hypodermic Tablets Nitroglycerine 1/100 Gr.," "Tablets Nitroglycerine 1/100 Gr.," "Tablets Strychnine Nitrate 1/30 Gr.," "Tablets Strychnine Sulphate 1/40 Gr.," and "Tablets Atropine Sulphate 1/100 Gr.," borne on the labels of the respective articles, were false and misleading, in that the said statements represented that each tablet contained the amount of the respective products declared on the label, whereas the said tablets did not contain the declared amounts but, with the exception of the product involved in three consignments of the nitroglycerin tablets, did contain less amounts, and the tablets involved in the said three consignments of nitroglycerin tablets contained more nitroglycerin than declared on the label. Misbranding was alleged with respect to the said three consignments of nitroglycerin tablets for the further reason that the statement, to wit, "Hypodermic Tablets Nitroglycerine 1/100 Gr.," borne on the labels, was false and misleading, in that the said statement represented that the article was hypodermic tablets, whereas it was not hypodermic tablets, in that each tablet contained an inert ingredient insoluble in water, not a normal ingredient of hypodermic tablets.

On March 26, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13608. Adulteration and misbranding of anodyne tablets, strychnine sulphate tablets, morphine sulphate tablets, codeine sulphate tablets, nitroglycerin tablets, acetphenetidin tablets, heroin tablets, and quinine sulphate tablets.** U. S. v. Elmira Drug & Chemical Co. Plea of guilty. Fine, \$200. (F. & D. No. 19580. I. S. Nos. 2494-v, 2863-v, 2865-v, 2866-v, 12594-v, 15317-v, 15319-v, 15320-v, 15321-v, 15865-v, 15866-v, 15867-v, 15869-v.)

On May 26, 1925, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Elmira Drug & Chemical Co., a corporation, Elmira, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, from the State of New York, on or about October 20, 1923, into the State of New Jersey, of quantities of morphine sulphate tablets, quinine sulphate tablets, nitroglycerin tablets, and strychnine sulphate tablets, on or about November 10, 1923, and July 17, 1924, respectively, into the State of Pennsylvania, of quantities of anodyne tablets containing codeine, strychnine sulphate tablets, morphine sulphate tablets, and codeine sulphate tablets, on or about November 16, 1923, into the State of Massachusetts, of quantities of nitroglycerin tablets, acetphenetidin tablets, morphine sulphate tablets, and heroin tablets, and on or about April 5, 1924, into the State of Maryland, of a quantity of strychnine sulphate tablets, all of which were adulterated and misbranded. The articles were labeled in part, variously: "Tablets Morphine Sulphate 1-8 gr. Elmira Drug & Chem. Co. Elmira, New York. Poison"; "Tablets \* \* \* Morphine Sulphate 1/4 Grain"; "Tablets Anodyne Infant No. 2 \* \* \* Codeine 1-96 gr."; "Tablets Strychnine Sulphate Each tablet represents 1/30 Grains" (or "1/60 Grains"); "Tablets Codeine Sulphate 1/4 Grain"; "Tablets Nitroglycerin Each tablet represents 1/100 Grains"; "Tablets Acetphenetidin 2 Grains"; "Tablets Heroin Each tablet represents 1/12 Grains"; "Tablets Quinine Sulphate Each tablet represents 2 Grains."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The anodyne tablets, alleged to contain 1/96 grain of codeine, averaged not more than 0.0056 grain of codeine each; the two lots of morphine sulphate tablets labeled "1/8 gr." averaged approximately 0.161 grain and 0.156 grain of morphine sulphate to each tablet; the morphine sulphate tablets labeled "1/4 Grain" averaged not more than 0.219 grain of morphine sulphate each; the two lots of strychnine sulphate tablets labeled



"1/30 Grains" averaged not more than 0.0272 grain and 0.0277 grain of strychnine sulphate to each tablet, the strychnine sulphate tablets labeled "1/60 Grains" averaged not more than 0.0096 grain of strychnine sulphate each; the codeine sulphate tablets, labeled "1/4 Grain," averaged not more than 0.172 grain of codeine sulphate each; the two lots of nitroglycerin tablets, labeled "1/100 Grains," averaged not more than 0.00571 grain and 0.00437 grain of nitroglycerin to each tablet; the acetphenetidin tablets, labeled "2 Grains," averaged not more than 1.797 grains of acetphenetidin each; the heroin tablets, labeled "1/12 Grains," averaged not more than 0.0713 grain of heroin each; and the quinine sulphate tablets, labeled "2 Grains," averaged not more than 1.779 grains of quinine sulphate each.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the said anodyne tablets contained less codeine than declared on the label, the quinine sulphate tablets, strychnine sulphate tablets, codeine sulphate tablets, nitroglycerin tablets, heroin tablets, and one consignment of morphine sulphate tablets contained less of the respective products than declared on the labels, and two of the consignments of morphine sulphate tablets contained more morphine sulphate than declared.

Misbranding was alleged in substance for the reason that the statements, to wit, "Tablets \* \* \* Codeine 1-96 gr.," "Strychnine Sulphate Each tablet represents 1/30 Grains," "Tablets Morphine Sulphate 1-8 gr.," "Tablets Each Tablet Represents Morphine Sulphate 1/4 Grain," "Tablets Codeine Sulphate 1/4 Grain," "Tablets Strychnine Sulphate Each tablet represents 1/30 Grains," "Tablets Nitroglycerin Each tablet represents 1/100 Grains," "Tablets Acetphenetidin 2 Grains," "Tablets Heroin Each tablet represents 1/12 Grains," "Tablets Quinine Sulphate Each tablet represents 2 Grains," and "Tablets \* \* \* Strychnine Sulphate Each tablet represents 1/60 Grains," borne on the labels attached to the bottles containing the respective products, were false and misleading, in that the said statements represented that the anodyne tablets contained 1/96 grain of codeine and that the remaining tablets contained the amounts of the respective products declared on the labels, whereas the said anodyne tablets contained less than 1/96 grain of codeine, the quinine sulphate tablets, strychnine sulphate tablets, codeine sulphate tablets, nitroglycerin tablets, heroin tablets, and the alleged 1/4 grain morphine sulphate tablets contained less of the respective products than declared on the labels, and the alleged 1/8 grain morphine sulphate tablets contained more than 1/8 grain of morphine sulphate each.

On July 11, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13609. Adulteration and misbranding of mineral water. U. S. v. William Clinton Stamper (Wizard Wells Co.). Plea of guilty. Fine, \$25. (F. & D. No. 12104. I. S. 6775-x.)**

On July 23, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Clinton Stamper, trading as Wizard Wells Co., Wizard Wells, Tex., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about June 23, 1919, from the State of Texas into the State of Louisiana, of a quantity of mineral water which was adulterated and misbranded. The article was labeled in part: (Bottle) "Wizard Mineral Water \* \* \* Wizard Wells Company W. C. Stamper, Manager Wizard Wells, Texas."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was polluted.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed animal or vegetable substance.

Misbranding was alleged for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, borne on the labels of the bottles containing the said article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism, stomach troubles, kidney diseases, bladder disorders, eczema, sciatica, nervousness, female diseases, gout, erysipelas, and all blood diseases, when, in truth and in fact, it was not.

On March 11, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13610. Adulteration and misbranding of grape concentrate. U. S. v. 3 Cases of Grape Concentrate. Default decree, adjudging product to be adulterated and misbranded and ordering its destruction. (F. & D. No. 20073. I. S. No. 14460-v. S. No. W-1655.)**

On May 21, 1925, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cases of grape concentrate, shipped by the Pacific Coast Distributing Co., from Los Angeles, Calif., to Portland, Oreg., and returned to the shipper and remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from Portland, Oreg., on or about May 14, 1925, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that an imitation grape sirup had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels on the bottles containing the article bore the statements, to wit, "Concordine Concentrate \* \* \* is true Grape and the only Grape concentrate ever manufactured and put before the public of which it can be safely said that it is made From Grapes Tastes Like Grapes and Looks Like Grapes," and a picture showing bunches of grapes, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 13, 1925, no claimant having appeared for the property, a decree of the court was entered, adjudging the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13611. Adulteration and misbranding of apple jelly. U. S. v. Old Virginia Orchard Co., Inc. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 18730. I. S. Nos. 3439-v, 3441-v.)**

On July 14, 1924, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Old Virginia Orchard Co., Inc., Front Royal, Va., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 29, 1922, from the State of Virginia into the State of South Carolina, and on or about March 27, 1923, from the State of Virginia into the State of North Carolina, of quantities of apple jelly which was adulterated and misbranded. The article was labeled in part: (Jar) "Maiden Blush Brand \* \* \* Pure Apple Jelly Old Virginia Orchard Co. Inc. Front Royal, Va. U. S. A. Net Weight 6½ Oz."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a pectin jelly containing added phosphoric acid and the average net weight of 12 jars was 5.87 ounces.

Adulteration of the article was alleged in the information for the reason that a product composed in part of pectin jelly and containing added phosphoric acid had been substituted for pure apple jelly, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Maiden Blush Brand Pure Apple Jelly," "Made Where The Fresh Fruits Grow," "Net Weight 6½ Oz.," together with a design showing primitive jelly manufacturing plant, basket containing apples, and section of orchard, borne on the jars containing the article, were false and misleading, in that the said statements and design represented that the article consisted wholly of pure apple jelly and



that each of the said jars contained 6½ ounces thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure apple jelly and that each of the jars contained 6½ ounces thereof, whereas it did not consist wholly of pure apple jelly but did consist of a product composed in part of pectin jelly and containing added phosphoric acid and each of the said jars did not contain 6½ ounces net weight of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 27, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13612. Adulteration of canned cherries. U. S. v. 750 Cases of Canned Cherries. Default decree, adjudging the product to be adulterated and ordering its destruction. (F. & D. No. 19929. I. S. No. 20969-v. S. No. W-934.)**

On March 25, 1925, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 750 cases of canned cherries, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Thomas J. Sweet Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about October 20, 1924, and transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Bi-More Brand Red Pitted Cherries \* \* \* Packed By The Thos. J. Sweet Co., Albion, Orleans Co., N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 27, 1925, no claimant having appeared for the property, a decree of the court was entered, adjudging the product to be adulterated and ordering its destruction by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13613. Misbranding of molasses. U. S. v. 8 Cases and 6 Cases of Molasses. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15773. I. S. Nos. 17017-t, 17018-t. S. No. E-3804.)**

On March 16, 1922, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases, each containing 6 cans, and 6 cases, each containing 12 cans, of molasses, remaining in the original unbroken packages at Lynchburg, Va., alleging that the article had been shipped by the Blackman-Morris Co., New Orleans, La., on or about November (7), 1921, and transported from the State of Louisiana into the State of Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Morris Sugar House Brand Pure New Orleans Molasses \* \* \* Packed By Blackman-Morris Co., New Orleans, La. \* \* \* Number 10 Net Average Weight 9 lbs. 8 oz." (or "Number 5 Net Average Weight 5 lbs. 2 oz.").

Misbranding of the article was alleged in the libel for the reason that a portion of the cans were branded "Net Average Weight 9 lbs. 8 oz.," and the remainder of the cans were branded "Net Average Weight 5 lbs. 2 oz.," whereas the said cans actually contained less than the quantities declared on the respective labels.

On August 1, 1922, the Blackman-Morris Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be relabeled according to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13614. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. 20241. I. S. No. 14209-v. S. No. E-5367.)**

On July 1, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 tubs of butter, shipped by the Arthur Simmons Co., St. Paul, Minn., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Minneapolis, Minn., on or about June 20, 1925, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 24, 1925, the Samels Bros. Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$750, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13615. Adulteration and misbranding of canned oysters. U. S. v. 331 Cases of Canned Oysters. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20057. I. S. No. 14449-v. S. No. W-1705.)**

On May 1, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 331 cases of canned oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Dorgan-McPhillips Sales Co., from Mobile, Ala., March 18, 1925, and transported from the State of Alabama into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Oysters Net Oyster Meat 5 Ounces."

Adulteration of the article was alleged in the libel for the reason that a substance, water or brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Net Oyster Meat 5 Ounces" was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 4, 1925, the National Grocery Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel and paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the filing of a good and sufficient bond or a certified check to insure the reconditioning and relabeling of the product under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13616. Adulteration of canned minced clams. U. S. v. 20 Cases of Minced Clams. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18937. I. S. No. 7775-v. S. No. W-1568.)**

On September 2, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of minced clams, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Chisick Island Corp., from Snug Harbor, Alaska, (August 9, 1924), and



transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Far-North Ocean Clams (Minced) 10 Oz. Net Contents Packed by Polar Fisheries Co. Alaska Main Office: Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine or liquor, had been mixed and packed with and substituted wholly or in part for the said article.

On May 14, 1925, the Small & Hall Corp., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel and paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned and relabeled under the supervision of this department, upon the execution of a bond or filing a certified check in the sum of \$150, to insure compliance with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13617. Adulteration of canned salmon. U. S. v. Hetta Packing Co. Plea of guilty. Fine, \$50.** (F. & D. No. 18743. I. S. No. 12069-v.)

On April 9, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hetta Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about September 28, 1923, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

Examination by the Bureau of Chemistry of this department of a sample of 288 cans showed that 105 cans, or 36.4 per cent, contained decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On June 1, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13618. Adulteration of canned salmon. U. S. v. John F. Tennyson. Plea of guilty. Fine, \$100.** (F. & D. No. 19586. I. S. No. 20232-v.)

On April 9, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John F. Tennyson, Seattle, Wash., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 21, 1924, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

Examination by the Bureau of Chemistry of this department of 96 cans of the article showed that 6 cans contained tainted fish and 24 cans contained stale fish.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On June 1, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13619. Adulteration of canned salmon. U. S. v. Alaska Consolidated Canneries. Plea of guilty. Fine, \$250.** (F. & D. No. 19274. I. S. Nos. 5861-v, 6118-v, 6120-v, 6252-v, 9780-v.)

On May 28, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alaska Consolidated Canneries, a corporation, Seattle, Wash., alleging shipment by said company, under the name of the Kelley-Clarke Co., Seattle, Wash., in violation of the food and drugs act, in various consignments, namely, on or about October 12 and 14 and November 9, 1922, respectively, from the State of Washington into the State of Texas, and on or about December 8, 1922, from the State of Washington into the State of Alabama, of quantities of salmon which was adulterated. The article was labeled in part, variously:

(Can) "Sambo Brand Chum Salmon \* \* \* Packed In Alaska By Southern Alaska Canning Co., Seattle, Wash."; "Action Brand Pink Salmon"; "Hobby Brand Pink Salmon Packed In Alaska By Southern Alaska Canning Co."

Examination by the Bureau of Chemistry of this department of samples from the different consignments showed from 10 per cent to 30 per cent of decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On June 15, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13620. Adulteration of butter. U. S. v. Armour & Co. Plea of guilty. Fine, \$200. (F. & D. No. 19321. I. S. Nos. 12283-v, 12278-v.)**

On April 27, 1925, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Armour & Co., trading at Pocatello, Idaho, alleging shipment by said company, in violation of the food and drugs act, on or about July 12, 1924, from the State of Idaho into the State of Utah, of a quantity of butter which was adulterated. The article was labeled in part: "Goldendale Creamery Butter" (and "Royal Butter") "Armour And Company General Offices Chicago Distributors."

Analyses by the Bureau of Chemistry of this department of two samples of the article from each shipment showed an average of 79.31 per cent and 79.18 per cent, respectively, of fat.

Adulteration of the article was alleged in the information for the reason that a substance deficient in milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as defined and described by the act of March 4, 1923, which the said article purported to be.

On July 8, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13621. Adulteration of canned soup. U. S. v. 595 Cases of Soup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20074. I. S. Nos. 21551-v, 23772-v, 23775-v. S. No. C-4732.)**

On May 18, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 595 cases of canned soup, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Wilson-Butt Co., Paducah, Ky., on or about May 11, 1925, and transported from the State of Kentucky into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13622. Adulteration of canned cherries. U. S. v. 46 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20022. I. S. No. 14089-v. S. No. E-5298.)**

On April 21, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 46 cases of cherries, remaining in the original unbroken packages at Philadelphia, Pa., which had theretofore been consigned in interstate commerce from Westfield, N. Y., to Pittsburgh, Pa., and reshipped to Philadelphia, alleging that the article had been shipped from Pittsburgh, Pa., on or about March 18, 1925, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pride Of West-



field Brand \* \* \* Red Pitted Sour Cherries Packed By The Westfield Fruit Products Co. Inc. Westfield, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On July 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13623. Misbranding of canned shrimp. U. S. v. 41 Cases of Shrimp. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19972. I. S. No. 14911-v. S. No. C-4701.)

On April 6, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 41 cases of shrimp, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Martin Fountain Packing Co., Biloxi, Miss., on or about February 12, 1925, and transported from the State of Mississippi into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Dry Shrimp Contents 5-3/4 Oz."

Misbranding of the article was alleged in the libel for the reason that the statement "Contents 5-3/4 Oz.," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 27, 1925, the Haas-Lieber Grocery Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled under the supervision of this department, upon the execution of a good and sufficient bond in conformity with section 10 of the act, and it was further ordered that the claimant pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13624. Adulteration of canned salmon. U. S. v. Alaska Consolidated Canneries. Plea of guilty. Fine, \$100.** (F. & D. No. 18573. I. S. Nos. 11494-v, 12053-v.)

On June 17, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alaska Consolidated Canneries, a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about March 25 and July 20, 1923, respectively, from the Territory of Alaska to the State of Washington, of quantities of canned salmon which was adulterated. One consignment of the article was labeled in part: (Can) "Tryet Brand Pink Salmon \* \* \* Packed In Alaska by Southern Alaska Canning Co., Main Office Seattle, Wash." The other consignment of the said article was labeled in part: (Can) "Blue Funnell Brand Pink Salmon."

Examination by the Bureau of Chemistry of this department of 96 cans of the Tryet brand showed that 29 cans, or 30.2 per cent, contained decomposed salmon. Examination of 144 cans of the Blue Funnel brand showed that 65 cans, or 45.1 per cent, contained decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On April 6, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13625. Misbranding of Vita Rica tonic pills and laxative. U. S. v. 9 Bottles, et al., of Vita Rica Tonic Pills and Laxative. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 19061, 19062, 19063. I. S. Nos. 3554-v, 3555-v, 3556-v. S. No. E-4978.)

On October 14, 1924, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and con-

demnation of 87 bottles of Vita Rica tonic pills and laxative, at San Juan, P. R., alleging that the article had been shipped by the Vita Rica Pharmacal Co., New York, N. Y., on or about September 5, 1924, and that it was being offered for sale and sold in the Territory of Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained compounds of iron, potassium, manganese, mercury, arsenic, zinc, phosphorus, and strychnine.

Misbranding of the article was alleged in the libel for the reason that the following statements, appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, English) "Vita-Rica \* \* \* Reconstructive \* \* \* Laxative \* \* \* Recommended For \* \* \* General Debility, Nervous Dyspepsia, Impotence, Senile Debility, Etc.," (Spanish and French) "Vita-Rica \* \* \* Reconstructive and Laxative A Builder," (carton, English) "Vita Rica \* \* \* Laxative \* \* \* Blood Purifier, Builder Recommended in \* \* \* Nervous Debility, Neurasthenia, Leucorrhoea And Impotence," (similar statements in Spanish) (circular, English) "Vita-Rica Means New Life \* \* \* Laxative A blood purifier, builder \* \* \* Recommended For General Debility, Nervous Dyspepsia, Impotence, Leucorrhoea, Neurasthenia, Senile debility, Etc. \* \* \* laxative and antiseptic action on the intestines \* \* \* stimulate the nutritive function of the body as well as of the blood-making organs thus rapidly increasing the \* \* \* quantity of the blood and nutrition of glands, nervous muscles, brain, etc. \* \* \* being also the eliminant, it decreases the tendency to auto-toxemia," (similar statements in Spanish).

On November 28, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13626. Adulteration and misbranding of assorted preserves. U. S. v. 512 Cases of Preserves. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20009. I. S. Nos. 24036-v to 24041-v, incl. S. No. C-4702.)**

On or about April 17, 1925, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 512 cases of assorted preserves, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Eigelberner Food Products Co., from Chicago, Ill., on or about February 17, 1925, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled: (Jar) "Silver Buckle Brand Net Weight 12 Ozs. Plum" (or "Peach" or "Raspberry" or "Loganberry" or "Strawberry" or "Blackberry") "Pure Preserves."

Adulteration of the plum, peach, loganberry, and strawberry preserves was alleged in the libel for the reason that a product deficient in fruit and containing excessive sugar and added tartaric acid had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration of the raspberry and blackberry preserves was alleged for the reason that a product deficient in fruit and containing excessive sugar, added tartaric acid, and loganberries had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designations "Pure Preserves Plum" or "Peach," "Raspberry," "Loganberry," "Strawberry," or "Blackberry," as the case might be, and "Net Weight 12 Ozs.," borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 12, 1925, the Eigelberner Food Products Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to



the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13627. Misbranding of King's formula. U. S. v. 22 Bottles of King's Formula. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19066. I. S. No. 18642-v. S. No. C-4493.)

On October 17, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the District of Minnesota a libel praying the seizure and condemnation of 22 bottles of King's formula, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by William C. King, Scott City, Kans., August 22, 1924, and transported from the State of Kansas into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis of the article by the Bureau of Chemistry of this department showed that it consisted of a liquid in two layers, composed of ether, alcohol, iodine, eucalyptus oil, water, and formaldehyde.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article: (Bottle, carton, and shipping package labels and 2 circulars each headed "King's Formula") "For The treatment Of Tuberculosis of the Lungs, Chronic Coughs, Colds, Asthma and Sore Lungs Caused From Pneumonia or Flu," (circular of testimonials) "Don't Suffer With Tuberculosis, Chronic Coughs, Colds, Asthma, Pneumonia, Flu And Sore Lungs \* \* \* By inhaling \* \* \* King's Formula, instant relief can be yours \* \* \* Satisfaction guaranteed," (testimonial) "I was seriously afflicted with Tuberculosis and Hemorrhages of the lungs \* \* \* commenced to use King's Formula and since \* \* \* have never had a hemorrhage and am in better health and stronger than \* \* \* within \* \* \* ten years \* \* \* Recommend \* \* \* King's Formula to any one afflicted with lung trouble of any kind," (carton and circular of testimonials) "Try a few breaths and feel the soreness leave," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13628. Adulteration and misbranding of Wine-Berre. U. S. v. 8 Cases of Wine-Berre. Consent decree of condemnation and forfeiture. Product released to be relabeled.** (F. & D. No. 18907. I. S. No. 5794-v. S. No. C-4456.)

On August 15, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of Wine-Berre, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Kansas City Kola Co., from Kansas City, Mo., on or about June 21, 1924, and transported from the State of Missouri into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "'With The Tang Of The Berry Patch' Wine-Berre" (cut of berries) "Manufactured By The Kaw Valley Fruit Products Co., Kansas City, Mo. Wine-Berre Punch Wine-Berre is made with the use of the pure juice of ripe berries," (bottle) "Drink Wine-Berre."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored imitation containing only a small amount of fruit, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "With The Tang Of The Berry Patch Wine-Berre is made with the use of the pure juice of ripe berries," "Wine-Berre Punch," "Drink Wine-Berre," together with the design of berries, borne on the labels, deceived and misled the purchaser, and in that the article was an imitation of another article.

On June 16, 1925, the Wine-Berre Co., Inc., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that

the product be relabeled in part: "Wineberre Brand Imitation Loganberry Syrup \* \* \* A Compound of Loganberry Juice Syrup Fruit Acid Acetic Acid Artificial Flavors and Colors Manufactured By The Wine-Berre Mfg. Corp. Kansas City, Mo.," and that it be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13629. Adulteration of butter. U. S. v. Holding Farmers Creamery. Plea of guilty. Fine, \$25. (F. & D. No. 18458. I. S. No. 374-v.)**

On November 12, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Holding Farmers Creamery, a corporation, Holdingford, Minn., alleging shipment by said company, in violation of the food and drugs act, on or about June 18, 1923, from the State of Minnesota into the State of New York, of a quantity of butter in tubs which was adulterated.

Analyses by the Bureau of Chemistry of this department of nine samples of the article showed an average of 77.3 per cent of fat and 19.4 per cent of moisture.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On November 18, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13630. Misbranding of Tu-Ber-Ku. U. S. v. 4 Dozen Bottles of Tu-Ber-Ku. Decree of forfeiture and destruction entered. (F. & D. No. 18138. S. No. E-4572.)**

On December 12, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 dozen bottles of Tu-Ber-Ku, remaining in the original unbroken packages at Rome, Ga., alleging that the article had been shipped by the Cawthon-Coleman Drug Co., from Selma, Ala., on or about February 27, 1923, and transported from the State of Alabama into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of glycerin, alcohol, sugar, water, and a trace of a phenolic substance, flavored with peppermint oil.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article: (Carton and bottle) "Consumption \* \* \* Croup, Colic, Catarrh And Asthma," (carton only) "for \* \* \* all Throat and Lung Troubles \* \* \* has accomplished many wonderful cures even in cases given up by physicians \* \* \* in all chronic cases," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On November 20, 1924, a decree adjudging the product forfeited was entered, and it was ordered by the court that it be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13631. Adulteration and misbranding of olive oil. U. S. v. Isadore Haber. Plea of guilty. Fine, \$150. (F. & D. No. 16417. I. S. Nos. 15415-t, 15416-t, 15417-t, 15418-t, 15424-t, 15425-t, 15426-t.)**

On June 10, 1925, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Isadore Haber, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, namely, on or about June 15, 20, and 24, 1921, respectively, from the State of New York into the State of New Jersey, of quantities of olive oil which was adul-



terated and misbranded. The article was labeled in part: (Can) "Olio d'Oliva Puro Importato Pure Imported Olive Oil \* \* \* Napoli Brand Net Contents One Gallon" (or "Net Contents Half-Gallon" or "Net Contents One Quart") "This imported olive oil is guaranteed to be absolutely pure and especially adapted for medicinal and table use. \* \* \* I. Haber Importer & Packer N. Y."

Examination by the Bureau of Chemistry of this department of samples of the article showed that it contained peanut oil and that the quantity of the contents was less than that stated.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, peanut oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for olive oil, which the said article purported to be.

Adulteration of the article considered as a drug was alleged for the reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation, in that it was composed in part of peanut oil, and said pharmacopœia provides that olive oil shall be obtained wholly from the ripe fruit of *olea europea*, and the standard of the strength, quality, and purity of the article was not declared on the containers thereof.

Misbranding was alleged for the reason that the statements, to wit, "Pure Imported Olive Oil," "This imported olive oil is guaranteed to be absolutely pure," "Napoli Brand," and "Net Contents One Gallon," "Net Contents Half-Gallon," or "Net Contents One Quart," as the case might be, together with the design and device of an Italian scene, borne on the labels of the cans containing the article, were false and misleading, in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, and that each of the cans contained 1 gallon,  $\frac{1}{2}$  gallon, or 1 quart of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, and that each of the said cans contained 1 gallon,  $\frac{1}{2}$  gallon, or 1 quart of the article, as the case might be, whereas it was not olive oil but was a mixture composed in part of peanut oil, it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America, and each of the said cans did not contain the amount declared on the label but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it was branded as an article produced in Italy, whereas it was produced in the United States of America, for the further reason that the statements, design, and device borne on the cans purported the article to be a foreign product when not so, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 10, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13632. Adulteration and misbranding of cheese. U. S. v. 60 Pounds of Cheese. Default decree entered, ordering product destroyed.**  
(F. & D. No. 19833. I. S. No. 22570-v. S. No. C-4667.)

On February 26, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 pounds of cheese, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., from Chicago, Ill., January 23, 1925, and transported from the State of Illinois into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Shipping case) "Daisy Brand Farmer Cheese." (lid of tub) "Cottage Cheese," (wrapper) "Daisy Wholesome Nutritious Food Product Mfd. By Chicago Cheese & Farm Products Co."

Adulteration of the article was alleged in the libel for the reason that a substance, foreign fat, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Cottage Cheese," borne on the labeling, was false and misleading and deceived and misled the purchaser.

On April 20, 1925, no claimant having appeared for the property, upon affidavit made by the United States attorney that the product was wholly decayed and unfit for food, it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13633. Adulteration of canned cherries. U. S. v. 127 Cases of Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19910. I. S. No. 19387-v. S. No. C-5008.)**

On March 20, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 127 cases of cherries, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Lyndonville Canning Co., from Lyndonville, N. Y., September 24, 1924, and transported from the State of New York into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Lyndonville Brand Red Sour Pitted Cherries \* \* \* Lyndonville Canning Company Inc. Lyndonville, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 17, 1925, the Lyndonville Canning Co., Lyndonville, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until repacked and recanned.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13634. Adulteration and misbranding of acetyl salicylic acid tablets, nitroglycerin tablets, and diacetyl morphine hydrochloride tablets. U. S. v. Glens Falls Pharmacal Co., Inc. Plea of guilty. Fine, \$100. (F. & D. No. 18989. I. S. Nos. 1786-v, 1789-v, 1790-v, 12505-v, 12508-v.)**

On October 6, 1924, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Glens Falls Pharmacal Co., Inc., a corporation, Glens Falls, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about October 15, 1923, from the State of New York into the State of Maryland, of quantities of acetyl salicylic acid tablets and nitroglycerin tablets, respectively, and on or about October 29, 1923, from the State of New York into the State of Massachusetts, of quantities of acetyl salicylic acid tablets, nitroglycerin tablets, and diacetyl morphine hydrochloride tablets, respectively, all of which were adulterated and misbranded. The articles were labeled in part, variously: "1000 Compressed Tablets Acetyl Salicylic Acid \* \* \* 5 gr. Manufactured by Glen Pharmacal Co. Inc. Glens Falls, N. Y."; "1000 Tablet Triturates Nitro-Glycerine \* \* \* 1/100 Gr. Manufactured by Glen Pharmacal Co."; and "1000 Tablets Triturate Diacetyl Morphine Hydrochloride 1/24 gr. \* \* \* Manufactured by Glens Falls Pharmaceutical Co. Inc."

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the said tablets were sold as containing 5 grains of acetyl salicylic acid, 1/100 of a grain of nitroglycerin, or 1/24 of a grain of diacetyl morphine hydrochloride, as the case might be, whereas the said tablets did not contain the said amounts but did contain less amounts, the two lots of acetyl salicylic acid tablets averaging not more than 4.22 grains and 4.53 grains, respectively, of the said product to each tablet, the 2 lots of nitroglycerin tablets averaging not more than 0.0074 grain and 0.0075 grain of nitroglycerin to each tablet, and the diacetyl morphine hydrochloride tablets averaging not more than 0.029 grain of the said product to each tablet.



Misbranding was alleged for the reason that the statements "Acetyl Salicylic Acid \* \* \* 5 gr.," "Nitro-Glycerine \* \* \* 1/100 Gr.," and "Diacetyl Morphine Hydrochloride 1/24 gr.," borne on the labels of the respective products, were false and misleading, in that the said statements represented that the tablets contained the amounts of the respective products declared on the labels, whereas they did not but did contain less amounts.

On January 5, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13635. Adulteration of canned sardines. U. S. v. 700 Cases of Sardines. Consent decree of destruction entered. (F. & D. No. 19128. I. S. No. 18624-v. S. No. C-4040.)**

On November 7, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying for seizure and condemnation of 700 cases of sardines, at Duluth, Minn., alleging that the article had been shipped by L. D. Clark & Son, from Eastport, Me., August 1, 1924, and transported from the State of Maine into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Banquet Brand American Sardines In Cottonseed Oil Packed at Eastport \* \* \* Me. By L. D. Clark & Son."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed, or putrid animal substance.

On March 5, 1925, by stipulation entered into between the Government and the owners of the product, L. D. Clark & Son, Eastport, Me., judgment was entered by the court, ordering that the said product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13636. Adulteration and misbranding of butter. U. S. v. John G. Vess, Erle K. Ely, and Andrew C. Nichols (Western Creamery Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 17240. I. S. No. 1216-v.)**

On November 2, 1923, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John G. Vess, Erle K. Ely, and Andrew C. Nichols, copartners, trading as Western Creamery Co., Kansas City, Mo., alleging that on or about July 6, 1922, the said defendants had sold under a guarantee that the article should meet the requirements of the food and drugs act a quantity of butter which was adulterated and misbranded within the meaning of said act, and that on July 7, 1922, the said article was shipped, by the purchaser thereof, in the identical condition as when sold as aforesaid, from the State of Missouri into the District of Columbia, in further violation of said act. The article was labeled in part: (Carton) "One Pound Net \* \* \* Creamery Butter."

Analyses by the Bureau of Chemistry of this department of 6 samples of the article showed an average of 78.1 per cent of fat and 17.6 per cent of moisture. Thirty prints weighed averaged 15.47 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing excessive moisture had been substituted for butter, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "One Pound Net," borne on the cartons containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of creamery butter, and that each of the cartons contained 1 pound net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter and that each of the said cartons contained 1 pound net thereof, whereas it did not consist wholly of creamery butter but did consist in whole or in part of a product deficient in milk fat and containing excessive moisture, and each of said cartons did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 26, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13637. Adulteration and misbranding of butter. U. S. v. Belle Meade Butter Co. Plea of guilty. Judgment, \$50. (F. & D. No. 18103. I. S. No. 802-v.)**

On April 11, 1924, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Belle Meade Butter Co., a corporation, Nashville, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about June 23, 1923, from the State of Tennessee into the State of Florida, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Creamery Butter."

Analyses of 10 samples of the article by the Bureau of Chemistry of this department showed an average of 78.16 per cent of fat and 16.81 per cent of moisture.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing excessive moisture had been substituted for butter, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas it did not so consist but did consist of a product deficient in milk fat and containing excessive moisture.

On May 18, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed judgment against said company in the sum of \$50, in lieu of fine and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13638. Adulteration and misbranding of butter. U. S. v. the Cumberland Valley Creamery, Inc. Plea of guilty. Judgment, \$50. (F. & D. No. 18328. I. S. No. 3324-v.)**

On June 9, 1924, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cumberland Valley Creamery, Inc., a corporation, Nashville, Tenn., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 30, 1923, from the State of Tennessee into the State of Florida of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Creamery Butter One Pound Net."

Analyses by the Bureau of Chemistry of this department of 6 samples of the article showed an average of 79.22 per cent of fat, and 90 prints weighed averaged 15.71 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law.

Misbranding was alleged for the reason that the statements, to wit, "Butter" and "One Pound Net," borne on the packages containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of butter and that each of the said packages contained 1 pound net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter and that each of the said packages contained 1 pound net thereof, whereas it did not consist wholly of butter but did consist of a product deficient in milk fat and each of the said packages did not contain 1 pound of butter but did contain a less amount. Misbranding was alleged for the further reason that the statement "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it was a product which contained less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.



On May 18, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed judgment against said company in the sum of \$50, in lieu of fine and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13639. Adulteration and misbranding of butter. U. S. v. D. E. Wood Butter Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 19327. I. S. Nos. 19025-v, 19028-v.)**

On April 14, 1925, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the D. E. Wood Butter Co., a corporation, trading at Evansville, Wis., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 11, 1924, from the State of Wisconsin into the State of Illinois, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "Butter Cup Brand \* \* \* One Pound Net." The remainder of the said article was labeled in part: "Monogram Brand Elgin Quality Creamery Butter The D. E. Wood Butter Co. Evansville Wis."

Analyses by the Bureau of Chemistry of this department of 4 samples of the Butter Cup brand and 6 samples of the Monogram brand showed an average of 79.56 per cent and 78.08 per cent, respectively, of fat. Sixty prints of the Butter Cup brand averaged 15.8 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Butter" and "One Pound Net," with respect to the Butter Cup brand and the statement, to wit, "Creamery Butter," with respect to the Monogram brand, borne on the labels, were false and misleading, in that the said statements represented that the article consisted wholly of butter and that the packages of the Butter Cup brand contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, and that the packages contained 1 pound net of butter, whereas it did not consist wholly of butter but did consist of a product deficient in milk fat, and the packages did contain less than 1 pound of butter. Misbranding was alleged for the further reason that the statements "Butter" and "Creamery Butter," borne on the Monogram brand, were false and misleading, in that they represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged with respect to the Butter Cup brand for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 10, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13640. Adulteration of canned salmon. U. S. v. Gorman & Co. Plea of guilty. Fine, \$200. (F. & D. No. 18734. I. S. Nos. 6482-v, 18715-v to 18720-v, incl.)**

On July 28, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gorman & Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about September 24, 26, and 28, 1923, respectively, from the State of Washington into the State of Arkansas, of quantities of canned salmon which was adulterated. The article was labeled in part: (Can) "Gorman's Pink Salmon" (or "Chum Salmon") "Distributed By Gorman and Company Seattle, U. S. A."

Examination by the Bureau of Chemistry of this department of samples from the different shipments showed from 30 per cent to 65 per cent of decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On March 25, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13641. Adulteration and misbranding of tomato paste. U. S. v. 100 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19436. I. S. No. 19130-v. S. No. C-4592.)**

On December 26, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of tomato paste, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by G. Matalone, from Chicago, Ill., on or about October 23, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Sauce. \* \* \* Packed By Hershel Cal. Fruit Prod. Co. Packers Of Contadina Brand San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared upon the label.

On July 29, 1925, the Busalacchi Bros. Macaroni Co., Milwaukee, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13642. Adulteration and misbranding of canned tomato paste. U. S. v. 319 Cases of Tomato Paste. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19445, 19446. I. S. No. 22851-v. S. No. C-4591.)**

On December 27, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 319 cases of tomato paste, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Southwestern Canning Corp., New Orleans, La., on or about September 23, 1924, and transported from the State of Louisiana into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "American Beauty Brand Napoli Type Tomato Paste with Basil Salsa di Pomodoro Packed and Guaranteed by A. Mannino, Los Angeles, California."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce [Paste]" was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared on the label.

On March 31, 1925, V. Viviano & Bros. Macaroni Mfg. Co., and Mariano Costa and Joseph Sciales, a copartnership, trading as Sciales Grocery Co., both of St. Louis, Mo., having appeared as claimants for respective portions of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon the filing of a good and sufficient bond, in conformity with section 10 of the act, and that the claimants pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13643. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20303. I. S. No. 7081-x. S. No. E-5434.)**

On July 18, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Western Ohio Creamery Co., Greenville, Ohio, on or about July 10, 1925, and transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 28, 1925, the Western Ohio Creamery Co., Greenville, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13644. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20276. I. S. No. 7078-x. S. No. E-5425.)**

On July 10, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Watson Cooperative Creamery Co., Watson, Minn., on or about July 1, 1925, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 20, 1925, the Minnesota Co-Operative Creameries Assoc., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13645. Adulteration and misbranding of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20269. I. S. No. 6802-x. S. No. E-5426.)**

On July 10, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 34 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the South Branch Creamery Co., from St. James, Minn., on or about July 1, 1925, and transported from the State of Minnesota into the State of New

York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 20, 1925, the South Branch Creamery Co., St. James, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13646. Adulteration and misbranding of canned salmon. U. S. v. Carlisle Packing Co. Plea of guilty. Fine, \$100. (F. & D. No. 19345. I. S. Nos. 12510-v, 12602-v, 15027-v.)**

On March 30, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Carlisle Packing Co., Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about August 29, 1923, from the State of Washington into the State of Maryland, of quantities of salmon which was adulterated and misbranded. The article was labeled in part: (Can) "Rose Brand Salmon \* \* \* Chum Distributed By Carlisle Packing Co. Seattle, Wash. U. S. A."

Examination by the Bureau of Chemistry of this department of a sample of 239 cans showed that 60 cans or 25.1 per cent contained decomposed salmon, and it was pink salmon instead of chum salmon as labeled.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

Misbranding was alleged for the reason that the statement, to wit, "Rose Brand Chum Salmon," borne on the labels, was false and misleading, in that the said statement represented that the article was chum salmon, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was chum salmon, whereas it was not chum salmon but was pink salmon. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, chum salmon.

On April 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13647. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20212. I. S. No. 24935-v, S. No. E-5396.)**

On June 29, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 tubs of butter, at New York, N. Y., alleging that the article had been shipped by Frank Brunner, from Colwell, Iowa, on or about June 15, 1925, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 22, 1925, Frank Brunner, Colwell, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judg-



ment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of \$150, or the execution of a bond in like amount, conditioned in part that it be reprocessed under the supervision of this department so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13648. Misbranding of butter. U. S. v. 14 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20277. I. S. No. 6029-x. S. No. E-5401.)**

On July 10, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 boxes of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Mid-West Butter Co., St. Joseph, Mo., alleging that the article had been shipped from St. Joseph, Mo., on or about June 30, 1925, and transported from the State of Missouri into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "A. B. W. Creamery Butter \* \* \* Manufactured By A. B. W. Middle West Creameries One Pound Net," (wrapper) "Net Weight One Quarter Pound."

Misbranding of the article was alleged in substance in the libel in that the statements "One Pound Net" on the cartons and "Net Weight One Quarter Pound" on the wrappers were false and misleading. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct.

On July 11, 1925, A. Wachs, Philadelphia, Pa., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13649. Adulteration and misbranding of butter. U. S. v. 15 Tubs, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20310. I. S. No. 3002-x. S. No. E-5431.)**

On July 14, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 43 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery Co., Clear Lake, Wis., on or about June 30, 1925, and transported from the State of Wisconsin into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 20, 1925, the Farmers Cooperative Creamery Co., Clear Lake, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13650. Adulteration and misbranding of vinegar. U. S. v. 25 Cases of Vinegar. Default decree entered, ordering product destroyed. (F. & D. No. 17551. I. S. No. 9680-v. S. No. C-4007.)**

On June 1, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of vinegar, remaining in the original packages at Nelsonville, Ohio, consigned by the De Luxe Products Co., Pittsburgh, Pa., about March 24, 1923, alleging that the article had been shipped from Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "De Luxe Brand \* \* \* Pure Cider Vinegar Made From Apple Juice \* \* \* Guaranteed By De Luxe Products Co. N. S. Pittsburgh, Pa."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Pure Cider Vinegar Made From Apple Juice \* \* \* Guaranteed By," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, pure apple cider vinegar.

On July 23, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product adulterated and misbranded and ordering that it be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

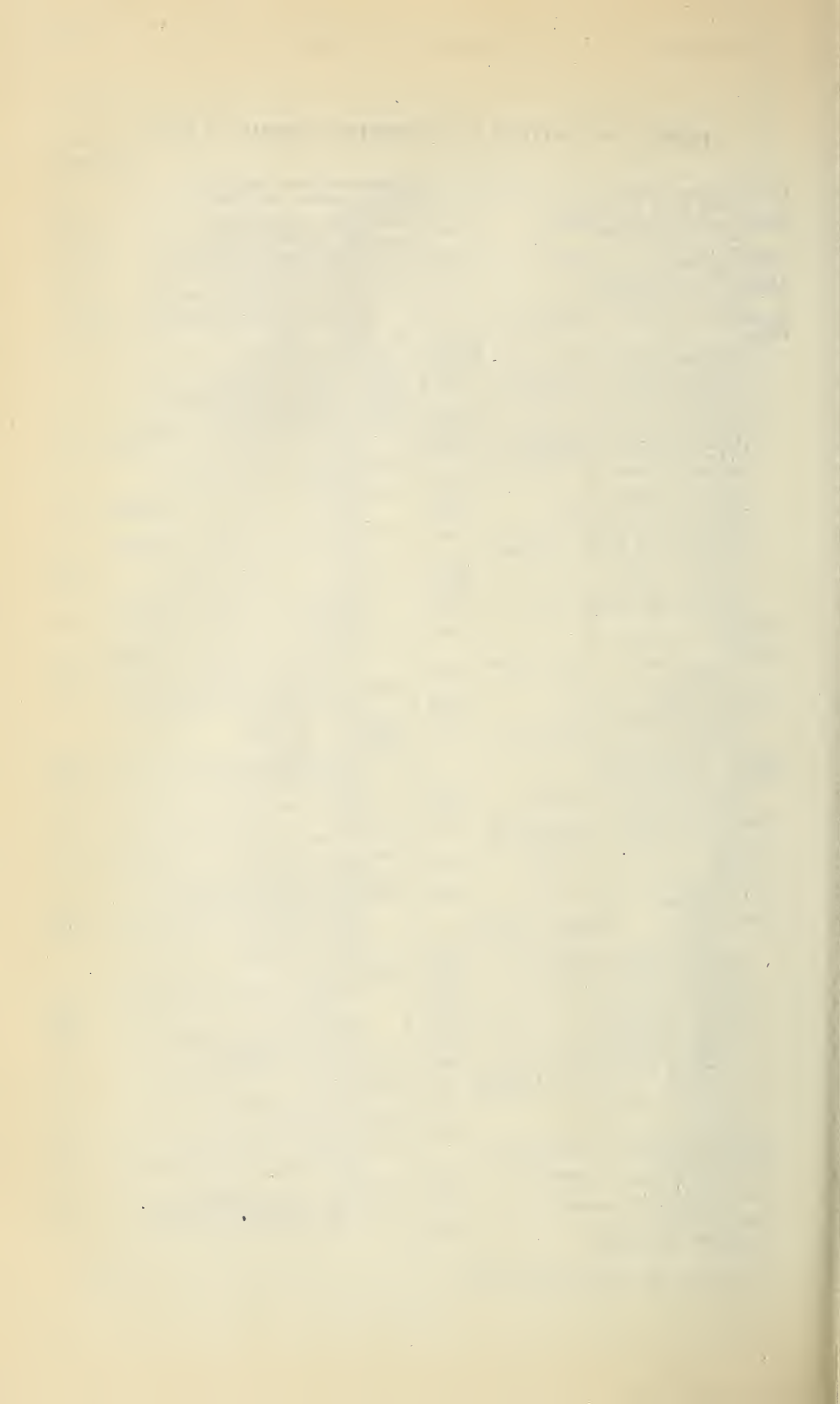


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<sup>1</sup> Contains instructions to the jury.





# United States Department of Agriculture

## SERVICE AND REGULATORY ANNOUNCEMENTS

### BUREAU OF CHEMISTRY

### SUPPLEMENT

N. J. 13651-13700

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 28, 1925]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13651. Misbranding and alleged adulteration of vinegar. U. S. v. 36 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 15483. I. S. No. 218-t. S. No. C-3267.)

On October 18, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 36 barrels of vinegar, remaining in the original unbroken packages at Robinson, Ill., consigned by the Douglas Packing Co., alleging that the article had been shipped from Canastota, N. Y., on or about August 22, 1921, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples \* \* \* Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that apple waste vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article was labeled "Apple Cider Vinegar Made From Selected Apples" so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the statement "Apple Cider Vinegar Made From Selected Apples" was false and misleading and in that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the said article contained barium.

On December 13, 1924, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property and the case having been submitted to the court for final determination, a decree was entered, adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13652. Adulteration of canned salmon. U. S. v. 194 Cases, et al., of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 17022, 17023, 17024, 17105, 17106. I. S. Nos. 1263-v to 1266-v, incl., 1275-v to 1278-v, incl. S. Nos. E-4237, E-4255.)

On or about December 26 and 29, 1922, and January 2, 9, and 20, 1923, respectively, the United States attorney for the Southern District of West Virginia,

acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,671 cases of canned salmon, in various lots at Princeton, Welch, and Keystone, W. Va., respectively, alleging that the article had been shipped by the Canadian Bank of Commerce, from British Columbia, in part October 22, 1922, and in part during November, 1922, and had been transported from a foreign country into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Beauclaire Brand Alaska Chum Salmon" (or "Blanchard Brand Alaska Pink Salmon") "Packed By Beauclaire Packing Co., Port Beauclerc, Alaska."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On June 13, 1925, the Beauclaire Packing Co., Port Beauclerc, Alaska, having appeared as claimant for the property and having paid the costs of the proceedings and executed a bond in the sum of \$1,500, in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be shipped to Seattle, Wash., and segregated and reconditioned under the supervision of this department, and the portion found fit for human consumption released and the remainder disposed of in accordance with law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13653. Adulteration and misbranding of evaporated apples. U. S. v. 24 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19880. I. S. No. 13597-v. S. No. E-5161.)

On March 11, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases of evaporated apples, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Gilbert Apple Products Co., Brighton, N. Y., on or about January 2, 1925, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cook Well Brand New York State Evaporated Apples Packed By Gilbert Apple Products Co. Inc., Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the labels of the cases containing the article bore the statement "Evaporated Apples," which was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13654. Misbranding and alleged adulteration of vinegar. U. S. v. 54 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 15407. I. S. No. 319-t. S. No. C-3250.)

On October 1, 1921, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 54 barrels of vinegar, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Douglas Packing Co., Rochester, N. Y., on or about August 24, 1921, and transported from the State of New York into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples \* \* \* Rochester, N. Y. Guaranteed to Comply With All Pure Food Laws."



Adulteration of the article was alleged in the libel for the reason that a product made from evaporated or dried apple products had been mixed and packed with and substituted wholly or in part for apple cider vinegar, which the said article purported to be.

Misbranding was alleged in substance for the reason that the labels on the barrels containing the article bore the statements: "Apple Cider Vinegar Made From Selected Apples. Guaranteed To Comply With All Pure Food Laws," which was false and misleading, in that the said article was not cider vinegar but was a mixture of vinegar made from evaporated and dried apples. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, apple cider vinegar.

On April 18, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property and the case having been submitted to the court on the pleadings and statements of attorneys, a decree was entered, adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13655. Misbranding and alleged adulteration of canned tuna fish. U. S. v. 12 Cases and 8½ Cases of Tuna Fish. Default decrees of destruction.** (F. & D. Nos. 19962, 19963. I. S. Nos. 14740-v, 14742-v. S. No. C-4699.)

On April 3, 1925, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 20½ cases of tuna fish, remaining in the original unbroken packages at Knoxville, Tenn., alleging that the article had been shipped by the M. DeBruyn Importing Co., New York, N. Y., in various consignments, namely, on or about December 11, 1924, and February 19 and 20, 1925, respectively, and transported from the State of New York into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Selected Quality \* \* \* Juanita Brand California Tuna Standard All Light Meat."

Adulteration of the article was alleged in the libels for the reason that a substance, yellowtail, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "California Tuna Standard All Light Meat" was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On May 25, 1925, no claimant having appeared for the property, decrees of the court were entered, adjudging the product to be misbranded and ordering its destruction by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13656. Misbranding of butter. U. S. v. 177 Prints of Butter. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 19845. I. S. No. 17407-v. S. No. E-5142.)

On March 2, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 177 prints of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Fred C. Mansfield Co., from Princeton, Wis., February 3, 1925, and transported from the State of Wisconsin into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Parchment wrapper) "One Pound Net."

Misbranding was alleged for the reason that the statement "One Pound Net," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal remove the labels and sell the product by the pound.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13657. Adulteration of canned salmon. U. S. v. 450 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18067. I. S. No. 7182-v. S. No. C-4198.)**

On November 23, 1923, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 450 cases of salmon, remaining in the original unbroken packages at Hattiesburg, Miss., alleging that the article had been shipped by McGovern & McGovern, from Seattle, Wash., on or about September 10, 1923, and transported from the State of Washington into the State of Mississippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Higrade Brand Pink Alaska Salmon \* \* \* Packed in Alaska By Sea Coast Packing Co. Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On November 15, 1924, the Sea Coast Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, and the adulterated portion be destroyed and the remainder released.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13658. Adulteration and misbranding of butter. U. S. v. 11 Tubs and 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20263. I. S. No. 22418-v. S. No. E-5419.)**

On July 3, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Erdahl Creamery Co., Erdahl, Minn., on or about June 23, 1925, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 25, 1925, Edward Gulsvig, trading as Erdahl Creamery Co., Erdahl, Minn., having appeared as claimant for the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13659. Misbranding of butter. U. S. v. Earle K. Eby, Andrew C. Nichols, and John G. Vess (Western Creamery Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 19290. I. S. No. 18249-v.)**

On June 24, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Earle K. Eby, Andrew C. Nichols, and John G. Vess, copartners, trading as Western Creamery Co., Kansas City, Mo., alleging shipment by said defendants,



in violation of the food and drugs act as amended, on or about May 21, 1924, from the State of Missouri into the State of Louisiana, of a quantity of butter which was misbranded. The article was labeled in part "Butter Net Weight One Pound."

Examination by the Bureau of Chemistry of this department of 100 cartons of the article showed an average net weight of 15.58 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight One Pound," borne on the packages containing the said article, was false and misleading, in that the said statement represented that each of the packages contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound of butter, whereas each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 26, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13660. Adulteration of canned salmon. U. S. v. Shepard Point Packing Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19621. I. S. No. 20694-v.)**

On May 8, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Shepard Point Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about June 30, 1924, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

Examination by the Bureau of Chemistry of this department of 192 cans of the article showed that 39 cans, or 20 per cent, contained decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On May 25, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13661. Misbranding of sweet potatoes. U. S. v. G. Adolph Bahlau, Herman V. Bahlau, Tom F. Gadberry, and J. Frank Campbell (Bahlau Produce Co.). Pleas of guilty. Fine, \$20 and costs. (F. & D. No. 19624. I. S. No. 20813-v.)**

On May 19, 1925, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against G. Adolph Bahlau, Herman V. Bahlau, Tom F. Gadberry, and J. Frank Campbell, copartners, trading as Bahlau Produce Co., Pine Bluff, Ark., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about October 11, 1924, from the State of Arkansas into the State of Colorado, of a quantity of sweet potatoes in unlabeled baskets which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 16, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$20 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13662. Adulteration and misbranding of Ajax ground mixed feed barley. U. S. v. 300 Sacks of Ajax Ground Mixed Feed Barley. Consent order of condemnation and forfeiture. Portion of product destroyed and remainder released to be relabeled. (F. & D. No. 17569. I. S. No. 9184-v. S. No. C-3997.)**

On or about June 27, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of Ajax ground mixed feed barley, remaining unsold in the original packages at Mt. Vernon, Ohio; consigned March

3, 1923, alleging that the article had been shipped by the Lexington Elevator & Mill Co., from Joliet, Ill., and transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ajax Ground Mixed Feed Barley Average Analysis Protein 11% Fat 1.5% Fibre 10% \* \* \* Not To Exceed Country Run Scrags. Manufactured By Cokato Milling Co. Minneapolis, Minn."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and containing excessive fiber had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Ajax Ground Mixed Feed Barley Average Analysis Protein 11% Fat 1.5% Fibre 10% \* \* \* Not To Exceed Country Run Scrags.," borne on the labels, were false and misleading and deceived and misled purchasers.

On July 23, 1925, the Lexington Elevator & Mill Co., Lexington, Ohio, having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture as prayed in the libel, a decree of the court was entered, providing that the order theretofore entered on March 26, 1924, wherein it was ordered that 75 sacks of the product be destroyed and the balance be relabeled, be made the final order and judgment of record.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13663. Adulteration of canned salmon. U. S. v. Warren Packing Co. Plea of guilty. Fine, \$100. (F. & D. No. 19251. I. S. Nos. 188-v, 189-v, 190-v.)**

On March 11, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Warren Packing Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the food and drugs act, on or about July 19, 1922, from the State of Oregon into the State of New York, of a quantity of canned salmon which was adulterated. A portion of the article was labeled in part: (Can) "Fancy Columbia River Blue Back \* \* \* Salmon A1 Warren Brand Warren Packing Company, Distributors Cathlamet, Wash. Warrendale, Ore." The remainder of the said article was labeled in part: (Case) "Blueback Halves"; the cans contained in said cases bore no label.

Examination by the Bureau of Chemistry of this department of 130 cans of the article showed that 30 cans, or 23 per cent, contained decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a putrid and decomposed animal substance.

On June 16, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13664. Adulteration and misbranding of sugar. U. S. v. Mario Betancourt. Plea of guilty. Fine, \$100. (F. & D. No. 17406. I. S. No. 9090-t.)**

On April 21, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Mario Betancourt, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about May 22, 1920, from the State of New York into the State of North Carolina, of a quantity of a product invoiced as sugar which was adulterated and misbranded.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, sweepings, sticks, water, splinters, strings, and various refuse, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for sugar, which the said article purported to be. Adulteration was alleged for the further reason that the article consisted in part of a filthy, decomposed, and putrid animal and vegetable substance.

Misbranding was alleged for the reason that the article was offered for sale and sold under the distinctive name of another article, to wit, sugar, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 24, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13665. Adulteration of canned salmon. U. S. v. 1,136 Cases of Salmon. Default decree of condemnation and forfeiture. Product released for fish food. (F. & D. No. 17283. I. S. No. 2611-r. S. No. W-289.)**

On or about February 2, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,136 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Columbia Salmon Co., from Craig, Alaska, about August 8, 1918, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Table Pride Brand Alaska Pink Salmon Packed In Alaska By Lindenberger Packing Co. Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 28, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the State of Washington Fisheries Department to be used as fish food upon payment of the sum of \$227.20.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13666. Adulteration and misbranding of evaporated apples. U. S. v. 48 Cases of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19943. I. S. No. 17265-v. S. No. E-5258.)**

On March 30, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 cases of evaporated apples, remaining unsold in the original packages at Norfolk, Va., alleging that the article had been shipped by M. O. Engleson & Co., from Williamson, N. Y., in various lots, namely, November 14 and December 8 and 15, 1924, respectively, and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Choice Engleson Brand Evaporated Apples Packed By M. O. Engleson & Co., Williamson, N. Y. U. S. A."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Evaporated Apples" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On June 30, 1925, M. O. Engleson & Co., Inc., Williamson, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled after proper redrying.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13667. Adulteration of canned cherries. U. S. v. 43 Cases of Canned Cherries. Decree entered, ordering product released under bond. (F. & D. No. 19531. I. S. No. 17125-v. S. No. E-5107.)**

On January 26, 1925, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 43 cases of canned cherries, at Fairport, N. Y., alleging that the article had been shipped from Bethlehem, Pa., on or about January 10, 1925, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pride Of Egypt Brand Red Sour Pitted Cherries \* \* \* Guaranteed And Distributed by Egypt Canning Co., Inc. Egypt, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 25, 1925, the Egypt Canning Co., Fairport, N. Y., claimant, having admitted the allegations of the libel and having executed a good and sufficient bond, in conformity with section 10 of the act, an order of the court was entered, providing that the product be released to the said claimant and that it be disposed of according to the decision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13668. Adulteration of canned raspberry jam. U. S. v. 6 Cases of Raspberry Jam. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18774. I. S. No. 20206-v. S. No. W-1515.)

On June 7, 1924, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cases of raspberry jam, at Helena, Mont., alleging that the article had been shipped by the California Packing Corp., San Francisco, Calif., on or about December 15, 1923, and transported from the State of California into the State of Montana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sun-Kist Brand Raspberry Jam. \* \* \* California Packing Corporation \* \* \* San Francisco California."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy and decomposed or putrid vegetable substance.

On March 26, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13669. Misbranding of cottonseed meal. U. S. v. 48 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19015. I. S. No. 2470-v. S. No. E-4949.)

On September 24, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the South Texas Cotton Oil Co., Victoria, Tex., alleging that the article had been shipped from Victoria, Tex., August 30, 1924, and transported from the State of Texas into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tag) "100 Lbs. (Net) 43% Protein Cottonseed Meal Prime Quality Manufactured by South Texas Cotton Oil Company Victoria, Texas Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent \* \* \* Crude Fiber not more than 12.00 Per Cent."

Misbranding of the article was alleged in the libel for the reason that the statements "100 Lbs. (Net) 43% Protein Cottonseed Meal Prime Quality \* \* \* Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent \* \* \* Crude Fiber not more than 12.00 Per Cent" were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 24, 1925, the Humphreys-Godwin Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, and it was further ordered that the product be repacked and relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13670. Misbranding of cottonseed meal. U. S. v. 48 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 19059. I. S. No. 2471-v. S. No. E-4979.)

On September 24, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in



the District Court of the United States for said district a libel praying the seizure and condemnation of 48 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Landa Cotton Oil Co., New Braunfels, Tex., alleging that the article had been shipped August 26, 1924, from New Brunsville (New Braunfels), Tex., and transported from the State of Texas into the State of New York, and charging misbranding in violation of the food and drugs act.

Misbranding of the article was alleged in the libel for the reason that the statements "43% Protein Cottonseed Meal \* \* \* Guaranteed analysis Crude protein 43%," borne on the tags attached to the sacks containing the said article, were false and misleading and deceived and misled the purchaser.

On October 17, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13671. Adulteration of chloroform. U. S. v. 195 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16508. S. No. E-4011.)**

On July 1, 1922, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 195 tins of chloroform, remaining in the original unbroken packages at Rochester, N. Y., alleging that the article had been shipped from Philadelphia, Pa., between the dates of December 16, 1921, and January 21, 1922, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tin) " $\frac{1}{4}$  Lb. Net Chloroform \* \* \* For Anaesthesia."

Analysis of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by test laid down in said pharmacopœia.

On September 12, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13672. Adulteration of butter. U. S. v. 53 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20274. I. S. No. 1210-x. S. No. C-4778.)**

On July 10, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 53 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Herreman Creamery Co., from Salem, S. D., July 1, 1925, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with the said article, so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted from the article.

On July 17, 1925, Randack & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed so as to contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13673. Adulteration of butter. U. S. v. 8 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20275. I. S. No. 601-x. S. No. W-1747.)**

On July 8, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Fernwood Dairy, Portland, Oreg., alleging that the article had been shipped from Portland, Oreg., June 26, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Shipping tag) "Fernwood Dairy \* \* \* Portland, Oregon."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted in part for the said article, and in that a valuable constituent, namely, milk fat, had been in part abstracted therefrom.

On July 21, 1925, the Wilsey, Bennett Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13674. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20362. I. S. No. 1402-x. S. No. C-4789.)**

On July 23, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hastings Poultry Co., from Hastings, Nebr., July 18, 1925, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

During July, 1925, the Hastings Poultry Co., Hastings, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the eggs be candled under the supervision of this department and the bad portion destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13675. Adulteration and misbranding of prepared mustard. U. S. v. 25 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20062. I. S. No. 23321-v. S. No. W-1706.)**

On May 4, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of prepared mustard, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Gladbrook Mustard Factory, from Wilmington, Calif., on or about March 14, 1925, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Gladbrook Prepared Salad Mustard \* \* \* Gladbrook Mustard Factory Long Beach Calif. & Gladbrook, Iowa."

Adulteration of the article was alleged in the libel for the reason that added mustard bran had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the designation "Salad Mustard" was false and misleading and deceived and misled the purchaser when



applied to a product containing added mustard bran, and for the further reason that it was offered for sale under the distinctive name of another article.

During July, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13676. Adulteration and misbranding of jam. U. S. v. 428 Cases of Assorted Jam. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20155. I. S. Nos. 21172-v, 21173-v, 21174-v. S. No. W-1730.)

On June 30, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 428 cases of assorted jam, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Oest Fruit Co., from San Francisco, Calif., on or about March 16, 1925, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Oest's Pure Fruit Jam Loganberries" (or "Raspberries" or "Blackberries") "Apple Juice & Sugar \* \* \* Oest Fruit Co. San Francisco, Cal."

Adulteration of the article was alleged in the libel for the reason that substances, apple juice and excessive sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and in that a substance, compound jams consisting of apple juice, sugar, and fruit, had been substituted wholly or in part for fruit jam.

Misbranding was alleged for the reason that the statements in the labeling "Pure Fruit Jam Loganberries Apple Juice & Sugar," "Raspberries Apple Juice & Sugar," and "Blackberries Apple Juice & Sugar," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On August 20, 1925, the Oest Fruit Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until relabeled to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13677. Adulteration and misbranding of assorted jam. U. S. v. 137 Cases of Assorted Jam. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19168. I. S. Nos. 21033-v, 21034-v, 21035-v, 21036-v. S. No. W-1605.)

On November 14, 1924, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 137 cases of jam, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Everett Fruit Products Co., from Everett, Wash., on or about October 1, 1924, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Everett Brand Blackberry" (or "Strawberry" or "Loganberry" or "Raspberry") "Jam \* \* \* 45% Pectin & Sugar 55% Fruit," the statement regarding the pectin and fruit being very obscure and hardly noticeable.

Adulteration of the strawberry jam was alleged in the libel in that substances, sugar, organic acid, and pectin, had been substituted wholly or in part for the article. Adulteration of the remainder of the product was alleged for the reason that a substance, a sugar and pectin solution, had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the designations "Blackberry," "Strawberry," "Loganberry," or "Raspberry," as the case might be, "Jam 45% Pectin & Sugar 55% Fruit," were false and misleading and deceived and

misled the purchaser, the statement of pectin and fruit being very obscure and unnoticeable. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 4, 1925, Pick-Young & Co., Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until relabeled to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13678. Adulteration and misbranding of butter. U. S. v. Iola Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19231. I. S. Nos. 19456-v, 19468-v, 19469-v.)**

On December 12, 1924, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Iola Creamery Co., a corporation, Iola, Kans., alleging shipment by said company, in violation of the food and drugs act, in three consignments, namely, on or about February 4 and 13, 1924, respectively, from the State of Kansas into the State of Oklahoma, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Shipping box) "From Iola Creamery Company Iola, Kansas," (carton) "Creamery Butter."

Examination by the Bureau of Chemistry of this department of 6 samples of the article from each consignment showed an average of 74.69 per cent, 77.14 per cent, and 77.77 per cent, respectively, of butterfat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law.

Misbranding was alleged for the reason that the statement "Creamery Butter," borne on the cartons containing the article, was false and misleading, in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, as prescribed by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, an article containing not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it was not butter but was a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

On April 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13679. Adulteration and misbranding of powdered malt. U. S. v. 273 Cans of Powdered Malt. Default decree of condemnation and forfeiture entered. (F. & D. No. 18811. I. S. No. 18260-v. S. No. C-4427.)**

On June 28, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 273 cans of powdered malt, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Mocha-Milk Products Co., Newark, N. J., on or about April 19, 1924, and transported from the State of New Jersey into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping package) "From Mocha-Milk Products Co. Manufacturers Clarke's Bakers Powdered Malt 100% Pure Newark, N. J."

Adulteration of the article was alleged in the libel for the reason that a substance, a dry hygroscopic powder consisting essentially of sucrose and glucose with a small amount of malt, had been mixed and packed therewith so as to reduce or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further



reason that the article had been artificially colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement "Powdered Malt 100% Pure," borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On May 27, 1925, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be condemned by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture*

**13680. Adulteration and misbranding of chocolate concentrate. U. S. v. 25 Gallons Chocolate Concentrate. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18673. I. S. Nos. 18240-v, 18241-v. S. No. C-4029.)**

On May 12, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 gallons of chocolate concentrate, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Jack Beverages, Inc., from New York, N. Y., in various consignments, on or about April 2, 3, and 10, 1924, respectively, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "5 Gals. Real Chocolate Concentrate Contains Sodium Benzoate for less than 1/10 of 1% in finished product \* \* \* Directions. \* \* \* Jack Beverages, Inc. Manufacturing Chemists \* \* \* New York City."

Adulteration of the article was alleged in the libel for the reason that a substance, glucose, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or other added deleterious ingredient, to wit, salicylic acid, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement "Real Chocolate," together with all directions and all reference to chocolate, appearing in the labels, was false and misleading and deceived and misled the purchaser.

On November 7, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture*.

**13681. Adulteration and misbranding of evaporated apples. U. S. v. 125 Boxes of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19965. I. S. Nos. 14871-v, 14872-v. S. No. C-4700.)**

On April 3, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 125 boxes of evaporated apples, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by E. B. Holton, from Webster, N. Y., on or about February 14, 1925, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "25 Lbs. Evaporated Apples Choice Daisy Brand Whole" (or "50 Lbs. Dixie Brand Choice Wood Dried Evaporated Apples") "Packed By E. B. Holton, Webster, New York."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Evaporated Apples," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 12, 1925, E. B. Holton, Webster, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be dried further and not be disposed of until inspected by a representative of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13682. Adulteration and misbranding of jam. U. S. v. 447 Cases of Tre-Vyn Brand Jam. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 18884 to 18888, incl. I. S. Nos. 18166-v to 18172-v, incl. S. No. C-4453.)

On August 6, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 447 cases of Tre-Vyn brand jam, alleging that the article had been shipped by the Best-Clymer Co., from St. Louis, Mo., on or about May 30, 1924, and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Tre-Vyn Brand \* \* \* Corn Syrup-Fruit Pectin Compound And Blackberry" (or "Loganberry" or "Raspberry" or "Strawberry" or "Pineapple" or "Peach" or "Plum") "Jam \* \* \* Added Phosphoric Acid Contents 15 Ozs. Best-Clymer Company, St. Louis, Mo." The labels, with the exception of the peach and pineapple jam, bore the further statement "Artificial Color."

Adulteration was alleged with respect to the peach and pineapple jam for the reason that an imitation product had been mixed and packed therewith so as to reduce or lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged with respect to the remainder of the product for the reason that an artificially colored imitation product had been mixed and packed with and substituted wholly or in part for the article, and for the further reason that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements "Blackberry Jam," "Pineapple Jam," "Peach Jam," "Loganberry Jam," "Raspberry Jam," "Strawberry Jam," and "Plum Jam," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On February 9, 1925, the Best-Clymer Co., St. Louis, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13683. Adulteration and misbranding of butter. U. S. v. 41 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20035. I. S. No. 23783-v. S. No. C-4713.)

On April 6, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 41 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Hillsboro Brokerage Co., Tampa, Fla., on or about March 17, 1925, and transported from the State of Florida into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Aunt Sally's Creamery Butter \* \* \* One Pound Net \* \* \* Harrow-Taylor Butter Co. Kansas City."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Full Pound Net" ("One Pound Net"), borne on the cartons containing the article, was false and misleading and deceived and misled the purchaser, in that the cartons



contained less than declared on the labels. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was an imitation of or offered for sale under the distinctive name of another article.

On April 17, 1925, the Harrow-Taylor Butter Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, said bond providing that the product be reworked and reconditioned in compliance with law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13684. Adulteration and misbranding of vanillin. U. S. v. 25 Pounds of Vanillin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18788. I. S. No. 18251-v. S. No. C-4030.)**

On June 17, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 pounds of vanillin, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Hymes Bros. Co., from New York, N. Y., on or about May 3, 1924, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Vanillin Chemically Pure Hymes Brothers & Company, New York."

Adulteration of the article was alleged in the libel for the reason that a substance, acetanilid, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that it contained an added poisonous or other added deleterious ingredient, acetanilid, which might have rendered the article injurious to health.

Misbranding was alleged for the reason that the statement "Vanillin Chemically Pure," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 7, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13685. Adulteration and misbranding of tomato paste. U. S. v. 225 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19196. I. S. No. 22639-v. S. No. C-4544.)**

On November 24, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 225 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Hershel California Fruit Products Co., Inc., from San Francisco, Calif., on or about October 25, 1924, and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Sauce \* \* \* Packed By Hershel Cal. Fruit Prod. Co. Packers Of Contadina Brand, San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce" was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared on the label.

On December 17, 1924, the Hershel California Fruit Products Co., Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said

claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled, with the words "Artificially Colored" appearing conspicuously on the label.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13686. Adulteration and misbranding of tomato paste. U. S. v. 252 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19555. I. S. No. 22694-v. S. No. C-4630.)

On February 2, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 252 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the La Sierra Heights Canning Co., from Los Angeles, Calif., on or about August 15, 1924, and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Deer Tomato Paste \* \* \* Salsa Di Pomodoro Packed By La Sierra Heights Canning Co., Arlington, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Paste" and "Salsa Di Pomodoro," borne on the labels, were false and deceived and misled the purchaser.

On February 12, 1925, the La Sierra Heights Canning Co., Arlington, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled, with the statement "Artificially Colored" appearing conspicuously on the label.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13687. Adulteration of canned salmon. U. S. v. 700 Cases of Salmon. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18178. I. S. No. 10022-v. S. No. C-4229.)

On December 17, 1923, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 700 cases of salmon, at Gadsden, Ala., alleging that the article had been shipped by Gorman & Co., from Seattle, Wash., about October 10, 1923, and transported from the State of Washington into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Headlight Brand Chum Salmon Packed By Alaska Salmon & Herring Packers, Inc. Tyee, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On May 15, 1925, Gorman & Co., Seattle, Wash., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the adulterated portion be separated from the unadulterated portion under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13688. Misbranding of cottonseed meal. U. S. v. 50 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 18978. I. S. No. 2469-v. S. No. E-4937.)

On September 22, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure



and condemnation of 50 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the South Texas Cotton Oil Co., Victoria, Tex., alleging that the article had been shipped from Victoria, Tex., August 28, 1924, and transported from the State of Texas into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Lbs. Net."

Misbranding of the article was alleged in the libel for the reason that the statements "100 Lbs. Net Guaranteed Analysis Ammonia 8.37% Protein 43.00%, Nitrogen 6.88% Fibre 10.00%" and "43%," borne on the tags attached to the sacks containing the article, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13689. Misbranding of cottonseed meal. U. S. v. 64 Bags and 50 Sacks of Cottonseed Meal. Default decrees of condemnation, forfeiture, and sale.** (F. & D. Nos. 18918, 18948. I. S. Nos. 2467-v, 2493-v. S. Nos. E-4917, E-4934.)

On August 21 and September 10, 1924, respectively, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 114 bags of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Taft Oil & Gin Co., Taft, Tex., alleging that the article had been shipped from Taft, Tex., in part July 28, 1924, and in part August 14, 1924, and transported from the State of Texas into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Lbs. Net" or "100 Pounds (Net)."

Misbranding of the article was alleged in the libels for the reason that the statements "100 Pounds (Net) 43 Per Cent Protein Cottonseed Meal Prime Quality Manufactured By Taft Oil and Gin Company, Taft, Texas Guaranteed Analysis Crude Protein not less than 43.00 Per Cent Crude Fiber not more than 12.00 Per Cent," with respect to a portion of the product, and the statements "100 Lbs. Net Cotton Seed Meal Guaranteed Analysis Ammonia 8.37% Protein 43.00% Nitrogen 6.88% Fibre 10.00%," with respect to the remainder of the product, borne on the tags attached to the sacks containing the article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 10 and 23, 1924, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13690. Adulteration of tomato catsup. U. S. v. 20 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16882. I. S. No. 2076-v. S. No. E-4198.)

On October 23, 1922, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of tomato catsup, remaining in the original unbroken packages at Niagara Falls, N. Y., consigned by the S. J. Van Lill Co., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about August 7, 1922, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On November 14, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture*

**13691. Misbranding of tankage. U. S. v. Ruedy Products Co. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 19617. I. S. No. 22008-v.)**

On April 27, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ruedy Products Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 9, 1924, from the State of Colorado into the State of Kansas, of a quantity of tankage which was misbranded. The article was labeled in part: "100 Lbs. Net Tankage Protein 60%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 46.26 per cent of protein. Examination of 36 sacks of the product showed that the average net weight was 95.6 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Lbs. Net" and "Protein 60%," borne on the sacks containing the said article, were false and misleading, in that the said statements represented that the sacks each contained 100 pounds of the article and that it contained 60 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said sacks each contained 100 pounds of the article and that it contained 60 per cent of protein, whereas each of a number of the said sacks contained less than 100 pounds of the article, and the product in each of a number of the said sacks contained less than 60 per cent of protein. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 5, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13692. Misbranding of Madam Dean's female pills. U. S. v. 11 Boxes of Madam Dean's Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13366. I. S. No. 5709-t. S. No. E-2520.)**

On August 19, 1920, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 boxes of Madam Dean's female pills, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Martin Rudy, Lancaster, Pa., alleging that the article had been shipped from Lancaster, Pa., August 2, 1920, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch.

Misbranding of the article was alleged in the libel for the reason that the following statements borne on the labels: (Box label and wrapper) "Female Pills \* \* \* give relief in Female Disorders of the menstrual functions: \* \* \* for Painful, Irregular and Scanty Menstruation," (booklet) "irregular, prolonged, or suppressed menstruation \* \* \* Female Pills afford relief for these ailments \* \* \* A remedy intended solely for the relief of amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system \* \* \* especially valuable in the functional changes \* \* \* of the menopause or change of life \* \* \* act on the circulatory system of the uterus thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring the menstrual or monthly period \* \* \* strengthen and build up the uterine functions," (circular) "a great relief against those general complaints the female sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel \* \* \* for irregular, painful, scanty or suppressed menstruations \* \* \* should be taken \* \* \* to assist nature with \* \* \* disorders \* \* \* during the change of life period \* \* \* Continue \* \* \* the treatment until they give relief \* \* \* great relief from Pains or Headache \* \* \* for suppressed Menstruation \* \* \* continue their use until relieved \* \* \* take \* \* \* until the menstrual flow commences again," regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or com-



bination of ingredients capable of producing the curative and therapeutic effects claimed in the above-quoted statements.

On May 29, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13693. Adulteration and misbranding of potatoes. U. S. v. 145 Sacks of Potatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16764. I. S. No. 2001-v. S. No. E-4136.)**

On August 22, 1922, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 145 sacks of potatoes, remaining in the original unbroken packages at Lockport, N. Y., alleging that the article had been shipped by White & Snyder, Tennent, N. J., August 8, 1922, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "U. S. Grade No. 1 150 Lbs. Net When Packed White & Snyder, Tennent, N. J."

Adulteration of the article was alleged in the libel for the reason that potatoes of a lower grade than designated had been mixed and packed with and substituted wholly or in part for Grade No. 1 potatoes.

Misbranding was alleged for the reason that the statement, borne on the sack, "U. S. Grade No. 1" was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On November 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13694. Misbranding of Foley kidney pills. U. S. v. 1 Dozen Large and 2½ Dozen Small Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18044. S. No. E-4582.)**

On November 14, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 dozen large bottles and 2½ dozen small bottles of Foley kidney pills, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Foley & Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., October 30, 1923, and transported from the State of Illinois into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of pills containing potassium nitrate, methylene blue, hexamethylene tetramine, and material derived from plant sources, including resin and volatile oil similar to juniper oil, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in the libel for the reason that the following statements, appearing in the labeling: (Bottle label, carton, and circular) "Kidney Pills For Irritation" (circular "Irritations") "of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "weakened by disease \* \* \* inflamed and congested \* \* \* In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely \* \* \* 2nd—The bowels must be kept active \* \* \* 3rd—The diet is of great importance \* \* \* satisfaction guaranteed," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it in the above-quoted statements.

On November 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13695. Adulteration and misbranding of butter. U. S. v. 29 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20271. I. S. No. 6403-x. S. No. E-5376.)**

On July 9, 1925, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 29 cases of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Kosciusko Creamery, from Kosciusko, Miss., on or about June 25, 1925, and transported from the State of Mississippi into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Butter Net Weight One Pound."

Adulteration of the article was alleged in the libel for the reason that a product other than butter and deficient in milk fat had been substituted in part for butter, and for the further reason that it contained less than 80 per cent by weight of milk fat.

Misbranding was alleged in substance for the reason that the statement "Butter," borne on the labels, was false and misleading and deceived and misled the purchaser into the belief that each of the packages contained 1 pound of butter, whereas the said article was deficient in milk fat and the said packages being so deficient in milk fat did not contain one pound of butter.

On July 11, 1925, F. M. Warfel, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain not less than 80 per cent of milk fat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13696. Alleged adulteration and misbranding of butter. U. S. v. Mississippi Creameries Co., Inc. Tried to the court without a jury. Judgment of not guilty. (F. & D. No. 17780. I. S. No. 3012-v.)**

On April 7, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mississippi Creameries Co., Inc., a corporation, Tupelo, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 6, 1922, from the State of Mississippi into the State of Georgia, of a quantity of butter which was alleged to have been adulterated and misbranded. The article was labeled in part: "Creamery Butter One Pound Net Weight."

Analysis by the Bureau of Chemistry of this department of 11 samples of the article showed an average of 78.05 per cent of butterfat and 18.34 per cent of moisture; 180 cartons showed an average net weight of 15.66 ounces.

Adulteration of the article was alleged, in the information for the reason that a product deficient in milk fat and containing excessive moisture had been substituted for butter, which the said article purported to be.

Misbranding was alleged for the reason that the statements "Creamery Butter" "One Pound Net Weight," borne on the packages containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of creamery butter and that each of the said packages contained 1 pound net weight thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter and that each of the packages contained 1 pound thereof, whereas it did not consist wholly of butter but did consist in part of a product deficient in milk fat and containing excessive moisture, and each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not clearly and conspicuously marked on the outside of the package.

On October 8, 1924, the defendant company having waived a jury trial and having entered a plea of not guilty and having denied the facts alleged in the information, the case came on for final disposition before the court.



After the submission of evidence and arguments by counsel for the Government and defendant company, the court pronounced a judgment of not guilty, whereupon the defendant was discharged.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13697. Adulteration and misbranding of evaporated apples. U. S. v. 348 Cases, et al., of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19995. I. S. Nos. 16410-v, 16411-v, 16412-v, 16413-v. S. No. E-5287.)

On April 16, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 533 cases of evaporated apples, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by E. B. Holton, from Webster, N. Y., on or about January 25, 1925, and transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Sunset Brand" (or "Dixie Brand") "Fancy Evaporated Apples Packed By E. B. Holton Packer Of Evaporated Fruits Webster, N. Y." The remainder of the said article was labeled in part: "25 Lbs. Evaporated Apples Choice Daisy Brand Ring" (or "Whole") "Packed By E. B. Holton, Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements borne on the labels, namely, "Fancy Evaporated Apples \* \* \* Evaporated Fruits," "Evaporated Apples Choice," and "25 Lbs.," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to 50 cases of the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On May 13, 1925, E. B. Holton, Webster, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$3,653.50, in conformity with section 10 of the act, conditioned in part that it be reprocessed to comply with the law, and it was further ordered that the claimant pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13698. Adulteration of evaporated apples. U. S. v. 26 Boxes, et al., of Evaporated Apples. Product released under bond to be reconditioned.** (F. & D. Nos. 19399, 19400. I. S. Nos. 21951-v, 21952-v. S. No. C-4579.)

On December 18, 1924, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 154 boxes of evaporated apples, at Memphis, Tenn., alleging that the article had been shipped by the Lincoln Fruit Co., from Lincoln, Ark., on or about September 30, 1924, and transported from the State of Arkansas into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples Packed By Lincoln Fruit Co., Lincoln, Ark."

Adulteration of the article was alleged in the libels for the reason that an excessive amount of water had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On May 26, 1925, the claimant of the property, the Lincoln Fruit Co., Lincoln, Ark., having theretofore taken the product down under bond for the purpose of drying it to the proper moisture content and having paid the costs of the proceedings, the bonds executed by the claimant were exonerated and the cases closed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13699. Adulteration of butter. U. S. v. 14 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20360. I. S. No. 33-x. S. No. W-1759.)

On July 31, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Swift & Co., from Denver, Colo., July 7, 1925, and transported from the State of Colorado into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, namely, butterfat, had been in part abstracted.

On August 11, 1925, Swift & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$475, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13700. Adulteration of shell eggs. U. S. v. 25 Cases and 89 Cases of Eggs. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20358, 20359. I. S. Nos. 305-x, 308-x. S. Nos. W-1763, W-1764.)

On August 4 and 5, 1925, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 114 cases of eggs, remaining in the original unbroken packages at Denver, Colo., consigned by E. L. Campbell, Benkelman, Nebr., alleging that the article had been shipped from Benkelman, Nebr., in two consignments, namely, on or about July 30 and 31, 1925, respectively, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From E. L. Campbell, Benkelman, Nebraska."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs.

On August 5, 1925, E. L. Campbell, Benkelman, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$600, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



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## United States Department of Agriculture

### SERVICE AND REGULATORY ANNOUNCEMENTS

#### BUREAU OF CHEMISTRY

#### SUPPLEMENT

N. J. 13701-13750

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 5, 1925]

#### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13701. Misbranding and alleged adulteration of evaporated apples. U. S. v. 81 Cases of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19919. I. S. No. 14230-v. S. No. E-5193.)**

On March 24, 1925, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 81 cases of evaporated apples, at Burlington, Vt., alleging that the article had been shipped by the A. W. Williams Fruit Co., from Sodus, N. Y., in two consignments, namely, February 17 and 20, 1925, respectively, and transported from the State of New York into the State of Vermont, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "14 To 15 Ounces Net When Packed Hills of Wayne Fancy Evaporated Apples Sodus, New York \* \* \* Packed By A. B. Williams Fruit Co."

It was alleged in substance in the libel that the article was adulterated, in that it contained excessive moisture.

It was further alleged in the libel that the article was misbranded.

On July 7, 1925, the Spaulding & Kimball Co., Burlington, Vt., having appeared as claimant for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, conditioned in part that it not be sold or disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13702. Misbranding of Dr. Sayman's wonder herbs. U. S. v. 26 Packages of Dr. Sayman's Wonder Herbs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19098. S. No. C-4513.)**

On October 31, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 26 packages of Dr. Sayman's wonder herbs, at New Orleans, La., alleging that the article had been shipped by the T. M. Sayman Products Co., St. Louis, Mo., in part on or about February 9, 1923, and in part on or about June 4, 1924, and transported from the State of Missouri

into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of gentian, ginger, rhubarb, licorice, cascara sagrada, buchu, senna, and sodium carbonate or bicarbonate.

Misbranding of the article was alleged in the libel for the reason that the statement on the box containing the said article "Composed of Roots, Barks and Herbs" and the statement on the accompanying circular "All Herbs" were false and misleading and deceived and misled the purchaser, in that sodium carbonate or bicarbonate was one of the ingredients. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination thereof capable of producing the effects claimed: (Box label) "Sayman's Wonder Herbs A Blood Medicine \* \* \* A Boon For Suffering Women \* \* \* Guaranteed," (carton label) "Sayman's Wonder Herbs A Blood Medicine \* \* \* Regulates the Liver and Kidneys, cleanses the Blood, and aids Digestion \* \* \* For \* \* \* Dyspepsia, Loss of Appetite \* \* \* Sick Headache, \* \* \* La Grippe, Chills and Fever, Intermittent or Remittent Fever, Weak or Impaired Kidneys, Biliousness, Nervousness, Impure Blood, Rheumatism, Scrofula, Syphilitic Taints, Female Complaints and Blood Poison \* \* \* Beneficial to Women suffering from those ailments peculiar to their sex. A valuable treatment for LaGrippe, and its after effects, Malaria, Chills, Fever or Ague and all diseases arising from an impure or impoverished condition of the blood. \* \* \* disorder of the stomach, liver, and kidneys," (small circular) "The Bitter that is needed for the Blood and the Gall Bladder is furnished through the medium of Sayman's Wonder Herbs—the greatest Blood and Liver Medicine ever compounded \* \* \* an effective Blood Medicine," (retail price list) "for the blood, stomach, liver and kidneys."

On May 27, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13703. Adulteration of butter. U. S. v. 8 Cubes and 1 Cube of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20324. I. S. Nos. 26-x, 27-x. S. No. W-1751.)**

On July 15, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mutual Creamery Co., from Grand Junction, Colo., on or about June 30, 1925, and transported from the State of Colorado into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted wholly or in part for the said article, and in that a valuable constituent, namely, butterfat, had been in part abstracted.

On July 28, 1925, the Mutual Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$205, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13704. Adulteration of butter. U. S. v. 1 Cube, 18 Cubes, and 14 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20325. I. S. No. 32-x. S. No. W-1752.)**

On or about July 17, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 33 cubes of butter, remaining in the original un-



broken packages at San Francisco, Calif., alleging that the article had been shipped by the Northern Creamery Co., from Great Falls, Mont., July 2, 1925, and transported from the State of Montana into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in butterfat had been substituted wholly or in part for the said article, and in that a valuable constituent, namely, butterfat, had been in part abstracted.

On July 28, 1925, the Fred L. Hilmer Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$940, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the act under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13705. Misbranding of butter. U. S. v. 270 Pounds of Blue Valley Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20179. I. S. No. 24791-v. S. No. C-4762.)**

On or about June 20, 1925, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 270 pounds of butter, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped by the Blue Valley Creamery Co., from Kansas City, Mo., on or about May 25, 1925, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Blue Valley Butter Blue Valley Creamery Co. General Offices, Chicago, Ill. Net Weight One Pound."

Misbranding of the article was alleged in the libel for the reason that the statements borne on the cartons containing the article, "Net Weight One Pound," "Blue Valley Butter. Blue Valley Creamery Company," were false and misleading and deceived and misled the purchaser, in that the said cartons did not contain 1 pound of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 17, 1925, the Beeks Produce Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$225, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13706. Alleged adulteration of butter. U. S. v. South Peacham Creamery. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 18100. I. S. No. 1861-v.)**

On March 28, 1924, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information and on or about April 11, 1925, an amended information against the South Peacham Creamery, a corporation, Barnet, Vt., alleging shipment by said company, in violation of the food and drugs act, on or about June 19, 1923, from the State of Vermont into the State of Massachusetts, of a quantity of butter in tubs which was alleged to be adulterated.

Analysis by the Bureau of Chemistry of this department of a sample of the article from each of 3 tubs showed 79 per cent, 77.8 per cent, and 78.6 per cent, respectively, of milk fat.

Adulteration of the article was alleged in the information for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

On April 10, 1925, the defendant company having entered a plea of not guilty to the information, the case came on for trial before the court and a jury. After the submission of evidence, the court delivered the following instructions to the jury (Howe, D. J.):

"GENTLEMEN OF THE JURY: I am going to give you my charge right now. These gentlemen can argue afterwards. We are going to finish this case up. This South Peacham Creamery is complained of for having too little butterfat in their butter. Now, you were all here in that other trial, weren't you, everyone of you? Is there anyone on this panel that didn't hear the other trial and my charge in that other case? Now, the question for you to decide is whether you are satisfied beyond a reasonable doubt that when this butter was shipped in interstate commerce it did not have 80 per cent butterfat. That's the question for you to decide.

"Now, in order to find the defendant guilty you must be satisfied beyond a reasonable doubt. The Government must prove beyond a reasonable doubt that when this butter was shipped it did not contain 80 per cent butterfat. You have heard the testimony of this chemist, who operates on one-fifteenth of an ounce. Now, as practical, reasonable men you heard him say that a slight error in computation would make a heavy difference when you apply it to a pound or 20 pounds. You have heard these butter makers testify it contained more than 80 per cent butterfat. Now, the question for you to decide is how much or how little credit you will give the testimony of the witnesses. You should keep in mind the presumption is that the butter did contain 80 per cent when it was shipped. If you return a verdict of guilty here, you must be satisfied beyond a reasonable doubt that when this was shipped it didn't contain 80 per cent butterfat. You apply the presumption of innocence, which is very old law, very sound law. If there is more than one theory in the case, both equally reasonable, one leading to innocence, the other leading to guilt, you should adopt the theory leading to innocence, because it is better and safer to believe good of a person rather than to believe evil of him. It is for you to say how much or how little credit is to be given to the testimony. If you are satisfied beyond a reasonable doubt this did not have 80 per cent of butterfat when it was shipped, you will find the defendant guilty. If you are not satisfied it contained less than 80 per cent butterfat, you will find the defendant not guilty.

"Well, gentlemen, if you are satisfied beyond a reasonable doubt that it didn't contain 80 per cent, find the defendant guilty. If you have a reasonable doubt about that, find it not guilty. If you are satisfied that it did contain more than 80 per cent, you will find it not guilty."

The jury then retired and after due deliberation returned a verdict of not guilty.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13707. Alleged adulteration and misbranding of butter. U. S. v. Barnet Creamery Association. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 18991. I. S. Nos. 15285-v, 15287-v.)**

On November 20, 1924, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Barnet Creamery Association, a corporation, Barnet, Vt., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about November 30 and December 3, 1923, respectively, from the State of Vermont into the State of Massachusetts, of quantities of butter, a portion of which was alleged to be adulterated and misbranded and the remainder of which was alleged to be misbranded. The article was labeled in part: "40# Net" or "40 Pounds Net."

Examination by the Bureau of Chemistry of this department of 10 boxes from each shipment showed an average weight of 39 pounds 5.3 ounces and 39 pounds 10 ounces, respectively. Analysis of a sample of the article from the shipment of December 3 showed 78.4 per cent of milk fat.

Adulteration was alleged in the information with respect to a portion of the article, in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.



Misbranding was alleged for the reason that the statements, to wit, "40 Pounds Net" or "40# Net," as the case might be, borne on the labels of the boxes containing the article, were false and misleading, in that the said statements represented that the boxes each contained 40 pounds of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said boxes each contained 40 pounds of butter, whereas the said boxes did not each contain 40 pounds of butter but did contain a less amount.

On April 10, 1925, the defendant company having entered a plea of not guilty to the information, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel, the court instructed the jury as follows (Howe, D. J.):

"GENTLEMEN OF THE JURY: You will have three questions to decide in this case. There are seven different charges against the defendant. The court submits only three of them to you. There are four charges in the information that are withdrawn from your consideration. I have made a schedule of the number of the charge, the date of the charge, and what the charge is, that I am going to ask you to consider and decide. A charge in an indictment is called a count. The first column here gives the number. Now, charge, or count, No. 6 charges that the boxes contained less than 40 pounds, shipment of November 30. Count No. 7 charges that the boxes contained less than 40 pounds, shipment of December 3. Count No. 4 charges that the boxes contained less than 80 per cent butterfat, shipment of December 3. I think that will make it more simple and easy for you than it will to give you this long indictment.

"Now, you may find the defendant guilty or not guilty upon all of these counts, or charges, or you may find the defendant guilty of any of them, or you may find the defendant guilty of one alone and not guilty of the remainder. It's a simple question of fact for you to decide. In two counts, two different shipments, shipment of November 30 and December 3, the Government charges that those boxes didn't contain 40 pounds of butter, and in count No. 4, shipment of December 3, the Government charges that the butter didn't contain 80 per cent of butterfat. Three simple questions of fact.

"The Government's evidence shows that in the shipment of November 30, a number of crates containing 40 pounds each, the maximum shortage was six ounces. One, two, three, four, five, six, seven, eight, nine, ten, there were ten crates supposed to contain 40 pounds each. Some of them had more than 40 pounds, but of the ones they claim were short the largest shortage is six ounces, and the minimum shortage in any of those 40-pound packages was one ounce. That's all there is to that charge. Some of them contained too much. Of course it isn't unlawful for them to contain too much, so the Government has complained against the Barnet Creamery Co. for shipping ten boxes of butter, containing 40 pounds each, one of which they say lacked six ounces of having 40 pounds, and in another of those boxes they say the creamery should have put in another ounce. Now, on the shipment of December 3, one, two, three, four, five, six, seven, eight, I haven't got the date written down here, they say that one of those 40-pound boxes was a pound and six ounces short and another one was three and one-half ounces short. There is a greater shortage there, a pound and six ounces, not quite a pound and a half. The minimum shortage in that shipment was three and one-half ounces. Some of the boxes they shipped contained more than 40 pounds. Still, as it has been suggested here, the fact that they contained more than 40 pounds isn't material except such bearing as you think it has on whether the Barnet Creamery was short weighing their butter. It is material on that question. If a concern is selling short weights, they would not be likely to have a considerable number of the packages overrun. The evidence of the Government is that they sent out their inspector, that he got samples and took them to some laboratory and had their chemist analyze them. They weighed up these packages and come up here and tell you how much they weighed and how much butterfat they contained. The defendant tells you that they used a lever scale, that they put a quarter of an ounce more in each pound to take care of evaporation—that is, an eighth of an ounce in each half-pound print—and they weighed that up. Each box of 40 pounds contained 40 pounds. Well, now, the law is, gentlemen, that it must contain 40 pounds when it was shipped. Unless you are satisfied beyond a reasonable doubt that these boxes didn't contain 40 pounds when they were shipped, why, no offense is committed by the creamery association. It is not the law that they must continue to weigh 40 pounds three days, three weeks,

or three months after shipment. So the time of materiality is the day it is taken to the express company and shipped. It has been suggested here that these boxes made of spruce, fir, hemlock, pine, and dry lumber absorb the moisture in the butter. Some one said they are permitted to put in 16 per cent moisture, got to have 80 per cent butterfat, 3 per cent salt, 2 or 3 per cent—at least 2 or 3 per cent—salt. Well, if they had 16 per cent moisture and 40 pounds of butter, it would be 6.40 pounds of water. Sixteen per cent of 40, that's 6.40; that's more than 6 pounds of water starting out in a pine box, spruce box, or fir box. Well, it is important for you to say what bearing, if any, that would have upon what that package would weigh three days later or six days later. Would some of that moisture be likely to go from that butter into the box and from the box into the air? Now, another thing for you to consider is which one of these witnesses, the chemist of Boston, the inspector at Boston, or the butter maker at Barnet, you are inclined to put the greatest faith and confidence in, and which scale you are inclined to have the most confidence in, the spring scale or the lever scale. Now, gentlemen, there are two questions here as to whether the packages weighed 40 pounds, contained 40 pounds of butter when they were shipped, and whether they contained 80 per cent of butterfat when they were shipped, not whether they contained 80 per cent three days later, three weeks later, or six weeks later. Now, all the rules I gave you yesterday apply to this case. The same rules apply. I see some of you on this case that were on the other case, but I will have to repeat all those rules I gave you yesterday to guide you in determining whether you are going to find this defendant guilty or not guilty. In the first place, the presumption is that the defendant is innocent. The presumption is that these boxes did contain 40 pounds, that the butter did contain 80 per cent butterfat. This presumption is to be weighed and considered by you throughout the trial, which means that you must start in the trial of the case with the thought and belief uppermost in your minds that the packages did contain 40 pounds, that the butter did contain 80 per cent butterfat, and this presumption should continue with you until the Government has convinced you beyond a reasonable doubt that the packages did not contain 40 pounds and that the butter did not contain 80 per cent butterfat. The fact that the defendant, the creamery company, has been complained of and placed on trial for this charge should not be taken against them in the least. No unfavorable inference can be drawn against the Barnet Creamery Co. because the Government has made this complaint against it. If you can reconcile the evidence in the case on any reasonable basis consistent with the defendant's innocence, you should do so, and, in that case, find the creamery company not guilty. You can not find the creamery company guilty unless from all the evidence you are satisfied of its guilt beyond a reasonable doubt. A reasonable doubt does not mean beyond all doubt; it does not mean beyond a fancied doubt; it does not mean that you are to examine all the evidence with a view to seeing if you can find something that you can call reasonable doubt; but it means such a doubt as a reasonable man would have after considering all the evidence in the case. If, after an impartial consideration of all the evidence in the case, you can candidly say that you are not satisfied of the defendant's guilt, you have a reasonable doubt, and you should find the company not guilty. But if, after such impartial consideration, you have an abiding conviction of the defendant's guilt, such as you would be willing to act upon in important matters of your own, you have no reasonable doubt, and you should find the company guilty. The weight to be given to the testimony, the credibility of the witnesses, are questions entirely for your consideration and determination. The law is that you are not bound to give the same credit and the same weight to the testimony of each witness, but you should give their testimony just such credit and just such weight as you think it is fairly entitled to receive. Consider their appearance upon the stand, their candor or lack of candor, their feeling or bias, if any, their interest in the result of the trial, if any, and the reasonableness of the testimony which they give, and believe as much or as little as you think you should. Now, applying these rules to the testimony that you have heard, if you are satisfied beyond a reasonable doubt that the shipment made on November 30 didn't contain 40 pounds of butter when it was taken to the express office, you should find the defendant guilty; and, likewise, if you are satisfied beyond a reasonable doubt that the shipment made on December 3 didn't contain 40 pounds of butter when it was taken to the express office, you will find the defendant guilty. If you are satisfied the shipment made on December 3 did not contain 80 per cent



butterfat, you will find the defendant guilty; but if, on the other hand, you have a reasonable doubt as to whether there was 40 pounds of butter in the shipment of December 3, you will find the defendant not guilty on those. Likewise, if you have a reasonable doubt as to whether there was 80 per cent of butterfat in the shipment of December 3, you will find the defendant not guilty on that charge. That's all there is to the case, gentlemen. Any suggestions by the district attorney or defendant?

"Mr. Gardner is appointed foreman. Your verdict will be oral. You will say guilty or not guilty. If you find the defendant guilty, you will say on which count."

Mr. AMEY: "If it please your honor, there was nothing said about the weight of the wrappers on the butter."

Court: "You will take into consideration all the evidence as to the wrappers and everything else, gentlemen."

The jury then retired and after due deliberation returned a verdict of not guilty.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13708. Adulteration and misbranding of butter. U. S. v. 14 Tubs Churn #3 (Butter). Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20305. I. S. No. 6894-x. S. No. E-5439.)**

On July 20, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Alta Vista Farmers Creamery Co., Alta Vista, Iowa, on or about July 10, 1925, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted, in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 30, 1925, the Fredericksburg Butter Factory, Fredericksburg, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$450, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13709. Adulteration and misbranding of butter. U. S. v. 30 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20304. I. S. Nos. 6415-x, 6419-x. S. No. E-5378.)**

On July 20, 1925, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 cases of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Beatrice Creamery Co., from Topeka, Kans., on or about July 8, 1925, and transported from the State of Kansas into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Meadow Gold Butter \* \* \* Beatrice Creamery Company, General Office, Chicago, Ill."

Adulteration of the article was alleged in substance in the libel, in that a substance containing less than 80 per cent of milk fat had been substituted in part for butter, in that a substance, to wit, water, had been substituted in part for butter, and in that a product deficient in milk fat had been substituted in part for butter, and in that it contained less than 80 per cent by weight of milk fat.

Misbranding was alleged for the reason that the article was labeled "Butter" so as to deceive and mislead the purchaser into the belief that it was butter,

whereas it was not butter as defined by law, in that it did not contain 80 per cent by weight of milk fat.

On August 1, 1925, the Beatrice Creamery Co., Chicago, Ill., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$750, in conformity with section 10 of the act, conditioned in part that it be reworked and relabeled to comply with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13710. Adulteration and misbranding of butter. U. S. v. 26 Tubs of Butter.** Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20270. I. S. No. 6031-x. S. No. E-3402.)

On July 11, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 26 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Royal Creamery Co., New Matamoras, Ohio, from Friendly, W. Va., alleging that the article had been shipped on or about July 7, 1925, and transported from the State of West Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 24, 1925, the Royal Creamery Co., New Matamoras, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,300, in conformity with section 10 of the act, said bond providing that the product be reconditioned in accordance with the ruling of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13711. Alleged adulteration and misbranding of butter. U. S. v. Swift & Co. Demurrer to the information sustained.** (F. & D. No. 17247. I. S. Nos. 14426-t, 14437-t.)

On May 16, 1923, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Portland, Oreg., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, namely, on or about March 11 and April 15, 1922, respectively, from the State of Oregon into the State of California, of quantities of butter which was alleged to be adulterated and misbranded. The article was labeled in part: "Reworked Butter Swift & Co. San Francisco."

Examination by the Bureau of Chemistry of this department of samples from each shipment showed 76.44 per cent and 78 per cent, respectively, of milk fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted in whole or in part for butter, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the boxes containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, butter.



On March 25, 1925, the defendant company having demurred to the information on the ground that it did not set forth facts constituting a violation of the law, the demurrer was argued before the court by counsel for the Government and the defendant company, and was sustained, as will more fully and at large appear from the following opinion of the court (Bean, D. J.) :

"This is a proceeding against the defendant for an alleged violation of the pure food and drugs act by shipping reworked butter from Portland to San Francisco, consigned to themselves. It is charged that the butter is adulterated, in that a product deficient in milk fat had been substituted in whole or in part, and that it is misbranded for the same reason. It is branded reworked butter, but it is charged that it was adulterated because it is deficient in milk fat. There is no allegation in the bill as to the proportion of milk fat, or that it was the result of the introduction of any foreign substance.

"The pure food law does not define butter. It does define adulterating and misbranding. The adulteration of an article is where another substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, or a foreign substance has been substituted in whole or in part, or a valuable constituent has been wholly or partially abstracted, or it has been mixed with coloring matter whereby damage or impurity has been concealed, or where it contains poisons or other deleterious ingredients, or consists wholly or in part of filthy, decomposed, or putrid animal or vegetable matter.

"There is no allegation in the bill that this butter comes within any of the definitions. The pure food law defines misbranding as follows: 'If it be an imitation offered for sale under the distinctive name of another article, or if it shall be labeled or branded so as to deceive the purchaser, or if the contents are not plainly and conspicuously marked or pictured, or if the label shall bear any statement or device regarding the ingredients or substance thereof, which statement or device shall be false or misleading.'

"The oleomargarine act defines butter as a food product usually known as butter and which is made exclusively from milk or cream, or both, with or without common salt, and with or without the addition of coloring matter. And that same act defines adulterated butter as a grade of butter produced by mixing or reworking butter, and where any substance is introduced for the purpose or with the effect of deodorizing or removing the rancidity, or if any substance foreign to butter has been introduced with the intent to cheapen the cost, or with intent to cause the absorption of an abnormal quantity of water, milk, or cream.

"It is not alleged in this bill that the butter in question comes within the definition of adulterated butter under the oleomargarine act. I presume the bill was filed in view of a rule or regulation of the department, in force at that time or which had been formulated prior to the time of the shipment, prescribing the standard for butter, in which it is stated that it shall contain at least 82.5 per cent of milk fat. But it was held in *Lynch v. Tilden Products Co.* recently that the department has no authority under the law to make such regulation or rule. Subsequent to the shipment in question Congress passed an act prescribing the amount of milk fat, but that was not in force at the time the shipment in question was made.

"The demurrer will be sustained."

The defendant was thereupon discharged.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13712. Adulteration and misbranding of butter. U. S. v. 150 Pails and 50 Cases of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19957, 20025. I. S. Nos. 14854-v, 14864-v. S. Nos. C-4672, C-4695.)**

On February 26 and March 19, 1925, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 150 pails and 50 cases of butter, remaining in the original packages at New Orleans, La., alleging that the article had been shipped by the Harrow-Taylor Butter Co., Kansas City, Mo., on or about January 28, 1925, and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Carton) "Bluebonnet Creamery Butter One Pound Net Harrow-Taylor Butter Company Kansas City." The remainder of the said article was labeled in part: "Process Butter."

Adulteration of the article was alleged in the libels for the reason that a product deficient in butterfat, or milk fat, had been substituted for the said article, and for the further reason that a product which contained less than 80 per cent by weight of butterfat, or milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be. Adulteration was alleged with respect to a portion of the article for the further reason that a product deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the statement "Butter," borne on the packages containing the said article, was false and misleading, in that it represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not consist wholly of butter but did consist of a product deficient in milk [fat] or butterfat. Misbranding was alleged for the further reason that the statement "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On March 17 and 30, 1925, respectively, the Harrow-Taylor Butter Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that it be reworked to meet the requirements of the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13713. Misbranding and alleged adulteration of vinegar. U. S. v. 90 Barrels et al. of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15349, 15384, 15396, 15400, 15401, 15414. I. S. Nos. 5746-t, 5966-t, 5969-t, 5970-t, 5973-t, 5974-t, 5975-t. S. Nos. E-3547, E-3557, E-3560, E-3561, E-3569, E-3586.)**

On August 27, September 16, 26, 28, and 29, and October 10, 1921, respectively, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 457 barrels of vinegar, remaining in the original unbroken packages in part at Pittsburgh, Pa., and in part at Carnegie, Pa., alleging that the article had been shipped by the Douglas Packing Co., Rochester, N. Y., in various consignments, in part from Canastota, N. Y., and in part from Fairport, N. Y., on or about the dates of July 21 and 26 and August 3, 5, 11, and 31, 1921, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Douglas Packing Co. Apple Cider Vinegar Made from Selected Apples \* \* \* Rochester, N. Y."

Adulteration was alleged in the libels with respect to a portion of the product for the reason that vinegar made from evaporated or dried apple products had been mixed and packed with and substituted wholly or in part for pure apple cider vinegar. Adulteration was alleged with respect to 103 barrels of the product for the reason that waste vinegar had been mixed and packed with and substituted wholly or in part for pure apple cider vinegar. Adulteration was alleged with respect to the 28 barrels of the product consigned July 21, 1921, for the further reason that it had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged with respect to all the product for the reason that it was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the greater portion of the product for the further reason that the statements "Apple Cider Vinegar Made From Selected Apples" or "Apple Cider Vinegar Made From Selected Apples Reduced To 4½ Per Centum," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the 28 barrels of the product consigned July 21,



1921, for the reason that it was labeled "Apple Cider Vinegar Made From Selected Apples," so as to deceive and mislead the purchaser, for the further reason that the said statement was false and misleading, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 4, 1925, the Douglas Packing Co., Rochester, N. Y., claimant, having admitted the allegations relative to the misbranding of the product and having consented to the entry of decrees of condemnation and forfeiture, judgments of the court were entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,091.60, in conformity with section 10 of the act, and it was further ordered by the court that the product be relabeled under the supervision of this department and that the claimant pay the storage and drayage charges.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13714. Adulteration of butter. U. S. v. 18 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20326. I. S. No. 36-x. S. No. W-1756.)

On July 24, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Lakeview Creamery, Inc., from Lakeview, Oreg., July 15, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Lakeview Cry. Lakeview, Ore."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article and in that a valuable constituent, namely, milk fat, had been in part abstracted.

On August 4, 1925, the Lakeview Creamery, Inc., Lakeview, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$570, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13715. Misbranding of flour. U. S. v. Crown Mills. Plea of guilty. Fine, \$50.** (F. & D. No. 19662. I. S. No. 21070-v.)

On July 14, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Crown Mills, a corporation, Portland, Oreg., alleging shipment by said company, in violation of the food and drugs act as amended, on or about October 16, 1924, from the State of Oregon into the State of Washington of a quantity of flour which was misbranded. The article was labeled in part: "24½ Lbs."

Examination by the Bureau of Chemistry of this department of 20 sacks of the article showed an average net weight of 23.76 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "24½ Lbs.," borne on the sacks containing the article, was false and misleading, in that the said statement represented that each of the sacks contained 24½ pounds of flour, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 24½ pounds of flour, whereas they did not but contained, in each of a number of the said sacks, less than 24½ pounds of flour. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity marked on the package represented more than the actual contents thereof.

On August 3, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13716. Adulteration of canned cut beans. U. S. v. 122 Cases and 601 Cases of Cut Beans. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 19462, 19463. I. S. Nos. 6259-v, 6260-v. S. Nos. C-4600, C-4601.)

On January 3, 1925, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 723 cases of canned cut beans, remaining in the original packages at Dallas, Tex., consigned by Appleby Bros., Fayetteville, Ark., alleging that the article had been shipped in part from Hiwassee, Ark., on or about August 4, 1924, and in part from West Fork, Ark., on or about August 22, 1924, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Western Star Brand Cut String Beans Put Up By Appleby Bros. Fayetteville, Ark." The remainder of the said article was labeled in part: "Cut Beans."

It was alleged in the libel filed with respect to 601 cases of the product that it was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance. It was alleged in the libel filed with respect to the remainder of the product that it was decomposed and adulterated in violation of paragraph 6 section 7 of the said act.

On or about August 4, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13717. Misbranding of potatoes. U. S. v. 260 Sacks and 260 Sacks of Potatoes. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 19386, 19396. I. S. Nos. 19942-v, 19948-v. S. Nos. C-4572, C-4578.)

On December 16 and 18, 1924, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 520 sacks of potatoes, remaining unsold in the original packages at New Orleans, La., alleging that the article had been shipped by the Michigan Potato Growers Exchange, in part from Sidney, Mich., on or about November 25, 1924, and in part from Remus, Mich., on or about November 26, 1924, and transported from the State of Michigan into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Chief Petoskey U. S. No. 1 \* \* \* Distributed By Michigan Potato Growers Exchange, Cadillac, Mich."

Misbranding of the article was alleged in the libels for the reason that the statement "U. S. No. 1," borne on the labels, was false and misleading and deceived and misled the purchaser.

On June 20, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13718. Misbranding of olives. U. S. v. 176 Jars of Olives. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18804. I. S. Nos. 18177-v, 18178-v, 18179-v. S. No. C-4031.)

On June 26, 1924, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 176 jars of olives, remaining in the original packages at Corsicana, Tex., consigned by R. C. Chance's Sons, Philadelphia, Pa., alleging that the article had been shipped from Philadelphia, Pa., on or about November 17, 1923, and transported from the State of Pennsylvania into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Chance's Olives \* \* \* Imported And Packed By R. C. Chance's Sons, Philadelphia, U. S. A." The remainder of the said article was labeled in part: "Penn Club Brand Imported & Packed By R. C. Chance's Sons Philadelphia, Pa., U. S. A." The article was stamped indistinctly with rubber stamp: "6 Oz. Net" or "4 Oz. Net."

Misbranding of the article was alleged in the libel for the reason that the statements "6 Oz. Net" or "4 Oz. Net," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser.



Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about August 4, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13719. Adulteration of canned corn.** U. S. v. 100 Cases et al. of Canned Corn. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19522, 19523, 19524. I. S. Nos. 20451-v, 20452-v, 21176-v. S. Nos. W-1633, W-1634, W-1635.)

On or about January 20, 27, and 28, 1925, respectively, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,848 cases of canned corn, remaining in the original unbroken packages, in part at Fresno, Calif., and in part at Los Angeles, Calif., consigned by William Numsen & Sons, Inc., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., in various consignments, namely, on or about October 18, November 21, and December 2, 1924, respectively, and transported from the State of Maryland into the State of California, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Farm Queen Brand Sweet Corn \* \* \* Packed By Wm. Numsen & Sons Inc. Baltimore, Md." The remainder of the said article was labeled in part: (Can) "Feather Brand Sweet Corn Wm. Numsen & Sons, Inc. Distributors Baltimore, Md."

Adulteration of the article was alleged in the libels for the reason that excessive water or brine had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On March 3 and 4, 1925, respectively, William Numsen & Sons, Inc., Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate amount of \$3,400, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13720. Alleged misbranding of chick feed and horse feed.** U. S. v. Sunny South Grain Co. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 19240. I. S. Nos. 752-v, 931-v.)

On January 16, 1925, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sunny South Grain Co., a corporation, Birmingham, Ala., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about May 21, 1923, and January 23, 1924, respectively, from the State of Alabama into the State of South Carolina, of a quantity of chick feed and of a quantity of horse feed which were alleged to be misbranded. The articles were labeled, respectively: (Tag) "Ideal Baby Chick Feed 100 Lbs. Net When Packed \* \* \* Manufactured By Sunny South Grain Co., Birmingham, Ala.," and "100 Lbs. Net When Packed I X L Horse Feed Made By Sunny South Grain Co., Birmingham, Ala."

Examination by the Bureau of Chemistry of this department of 20 sacks of the chick feed and 25 sacks of the horse feed showed an average net weight of 98.48 pounds and 97.75 pounds, respectively.

Misbranding of the articles was alleged in the information for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated represented more than the actual contents of the said packages.

On August 24, 1925, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel, the jury returned a verdict of not guilty.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13721. Adulteration and misbranding of grape nip concentrate. U. S. v. Orange Smash Co. Tried to the court and a jury. Directed verdict of guilty. Fine, \$100. (F. & D. No. 19252. I. S. No. 12606-v.)**

On January 5, 1925, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Orange Smash Co., a corporation, Birmingham, Ala., alleging shipment by said company, in violation of the food and drugs act, on or about November 20, 1923, from the State of Alabama into the State of Maryland, of a quantity of grape nip concentrate which was adulterated and misbranded. The article was labeled in part: "From Orange Smash Company Birmingham, Alabama \* \* \* Grape Nip Concentrate (50 Gals.) Contains extract Of Ripe Grapes Sugar And Water & Tartaric Acid."

Examination by the Bureau of Chemistry of this department of a sample of the article showed that it was an imitation grape sirup composed in part of sugar, glycerin, and water, artificially colored with a coal-tar dye, and flavored with methyl anthranilate.

Adulteration of the article was alleged in the information for the reason that an artificially colored and artificially flavored grape sirup had been substituted for grape nip concentrate, to wit, an article composed of extract of ripe grapes, sugar, water, and tartaric acid, which the said article purported to be. Adulteration was alleged for the further reason that the article was an artificially flavored grape sirup prepared in imitation of grape nip concentrate, to wit, an article composed of extract of ripe grapes, sugar, water, and tartaric acid, and was artificially colored with a certain coal-tar dye, to wit, amaranth, so as to simulate the appearance of grape nip concentrate, and in a manner whereby its inferiority to said grape nip concentrate was concealed.

Misbranding was alleged for the reason that the statements "Grape Nip Concentrate" and "Contains extract of Ripe Grapes Sugar And Water & Tartaric Acid," borne on the label attached to the barrel containing the article, were false and misleading, in that the said statements represented that the article was composed of extract of ripe grapes, sugar, water, and tartaric acid, whereas it was not so composed but contained artificial color and artificial flavor. Misbranding was alleged for the further reason that the article was an artificially flavored and artificially colored product prepared in imitation of grape nip concentrate and was offered for sale and sold under the distinctive name of another article, to wit, grape nip concentrate.

On August 24, 1925, the case came on for trial before the court and a jury. After the submission of evidence, by direction of the court the jury returned a verdict of guilty, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13722. Adulteration and misbranding of feed. U. S. v. Meader-Atlas Co. (Metropolitan Mills). Plea of guilty. Fine, \$75. (F. & D. No. 19359. I. S. Nos. 12823-v, 12824-v, 13287-v.)**

On April 16, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Meader-Atlas Co., a corporation, trading as the Metropolitan Mills, at Hoboken, N. J., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about July 21, September 29, and October 24, 1923, respectively, from the State of New Jersey into the State of New York, of quantities of feed which was adulterated and misbranded. The article was labeled in part: "Allstock Molasses Grains Registered Manufactured By Metropolitan Mills Hoboken, N. J. Guarantee Minimum Crude Protein 13%."

Analysis by the Bureau of Chemistry of this department of a sample of the article from each shipment showed that it contained 11.72 per cent, 11.07 per cent, and 11.32 per cent, respectively, of protein.

Adulteration of the article was alleged in the information for the reason that a substance deficient in crude prote'n had been substituted for a feed guaranteed to contain not less than 13 per cent of crude protein, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Guarantee Minimum Crude Protein 13%," borne on the sacks containing the article, was false and misleading, in that the said statement represented that the article contained not less than 13 per cent of crude protein, and for the fur-



ther reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 13 per cent of crude protein, whereas it did not contain 13 per cent of crude protein but did contain a less amount.

On August 3, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13723. Misbranding and alleged adulteration of vinegar. U. S. v. 65 Barrels et al. of Vinegar. Portion of product released under bond. Decrees entered, condemning remainder of product and ordering its release under bond.** (F. & D. Nos. 15513, 15639, 15666, 15667, 15691, 15698. I. S. Nos. 530-t, 556-t, 557-t, 904-t, 3104-t, 3106-t. S. Nos. C-3286, C-3332, C-3333, C-3334, C-3340, C-3351.)

On October 29, November 28 and 29, and December 5, 1921, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 375 barrels of vinegar, in various lots, at Cincinnati, Columbus, and Steubenville, Ohio, respectively, consigned by the Douglas Packing Co., Rochester, N. Y., between the dates of September 10 and November 3, 1921, alleging that the article had been shipped from Canastota, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The greater portion of the product was labeled in part: "Apple Cider Vinegar Made From Selected Apples" "Douglas Packing Co., Rochester, N. Y." One shipment of the said product was labeled in part: "Pure Apple Cider Vinegar."

Adulteration of the article was alleged in substance in the libels for the reason that evaporated or dried apple products vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged in substance for the further reason that the statements "Apple Cider Vinegar Made From Selected Apples," and "Pure Apple Cider Vinegar," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to 205 barrels of the product for the reason that the labeling of the said portion of the product was false and misleading and deceived and misled the purchaser.

On March 31, 1922, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for a portion of the product, decrees of the court were entered, ordering that the said portion be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled to the satisfaction of this department. On November 18, 1924, the said Douglas Packing Co. having appeared as claimant for the remainder of the product and having submitted the cases to the court, decrees were entered, adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said portion of the product be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, conditioned in part that it not be sold or disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13724. Adulteration of butter. U. S. v. 8 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20323. I. S. No. 30-x. S. No. W-1750.)

On July 15, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and subsequently an amended libel praying the seizure and condemnation of 8 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Hub City Creamery, from Centralia, Wash., July 4, 1925, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted wholly or in part for the said article, and in that a valuable constituent, namely, butterfat, had been in part abstracted.

On August 5, 1925, the Hub City Creamery, Centralia, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13725. Misbranding of butter. U. S. v. 5 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20135, 20136, 20137, 20138. I. S. Nos. 23421-v, 23424-v, 23426-v, 23427-v. S. Nos. W-1723, W-1724, W-1725, W-1726.)

On or about May 26, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district four libels praying the seizure and condemnation of 5 cases of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Corvallis Creamery Co., Portland, Oreg., arriving at Seattle on or about May 25, 1925, and transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Gold Medal Brand Heathized Butter Pasteurized Corvallis Creamery Co. Inc.," in part "Dainty Quarters," (quarters labeled) "Weight Four Ounces."

It was alleged in the libel that the article was misbranded in violation of section 8 of the act paragraphs 2 and 3 under "Food," in that it was short weight, and the net weight was not declared on the principal label.

On or about June 18, 1925, the Corvallis Creamery Co., Inc., Portland, Oreg., having appeared as claimant for the property and having paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned and relabeled under the supervision of this department, said decree providing that the claimant execute a bond, or deposit certified check in the amount of \$150, to insure compliance with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13726. Adulteration and misbranding of Groméal feed, beef scrap, and tankage. U. S. v. Swift & Co. Plea of guilty. Fine and costs, \$25.** (F. & D. No. 19342. I. S. Nos. 10596-v, 12640-v, 22251-v.)

On April 16, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Newark, N. J., alleging shipment by said company, in various consignments, namely, on or about October 16, 1923, and January 31, 1924, respectively, from the State of New Jersey into the State of Maryland, and on or about June 6, 1924, from the State of New Jersey into the State of Virginia, of quantities of feeds which were adulterated and misbranded. The articles were labeled, variously, in part: "Swift's Groméal \* \* \* Swift & Company, Newark, N. J., Guaranteed Analysis Protein 50%," "Beef Scrap \* \* \* Guaranteed Analysis Protein 55%," and "Swift's Digester Tankage Manufactured by Swift & Company Newark, N. J. Guaranteed Analysis Protein 60%."

Analysis by the Bureau of Chemistry of this department of samples of the Groméal, beef scrap, and digester tankage showed that they contained 46.8 per cent, 52.7 per cent, and 55.6 per cent, respectively, of protein.

Adulteration of the articles was alleged in the information for the reason that substances deficient in protein had been substituted for the respective articles.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 50%," "Highest Quality Selected Beef Scrap Made From Pure Ground Meat Cracklings Guaranteed Analysis Protein 55%," and "Guaran-



teed Analysis Protein 60%," borne on the labels of the respective articles, were false and misleading, in that the said statements represented that the articles contained 50 per cent, 55 per cent, or 60 per cent, of protein, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained 50 per cent, 55 per cent, or 60 per cent, of protein, as the case might be, whereas the articles did not contain the said respective amounts of protein but did contain less amounts.

On July 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed judgment in the amount of \$25, which included fine and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13727. Adulteration of oranges. U. S. v. 36 Crates of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18661. I. S. No. 2432-V. S. No. E-4828.)**

On May 7, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 36 crates of oranges, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by S. J. Sligh & Co., from Erie, Pa., on or about April 19, 1924, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Florida Oranges Elk Trade Mark \* \* \* S. J. Sligh & Co., Orlando, Fla. Lake Griffin."

Adulteration of the said oranges was alleged in the libel for the reason that they consisted in whole or in part of worthless tree-dried oranges which had been substituted for the said article.

On May 31, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13728. Misbranding of Avalon distemper and cold compound. U. S. v. 4 Bottles of Avalon Distemper and Cold Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15555. S. No. E-3642.)**

On November 10, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 bottles of Avalon distemper and cold compound, remaining in the original unbroken packages at Addison, N. Y., consigned by the Avalon Farms Co., alleging that the article had been shipped from Chicago, Ill., on or about August 4, 1921, and transported from the State of Illinois into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was composed essentially of ammonium chloride, iron chloride, glycerin, mydriatic alkaloid, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements, borne on the labels of the bottles containing the said article, and in the accompanying circular: (Bottle label) "Distemper \* \* \* Compound \* \* \* Recommended for \* \* \* strangles distemper or shipping fever" (circular) "Distemper \* \* \* Compound \* \* \* Distemper \* \* \* shipping fever and colt-ill \* \* \* Strangles \* \* \* give Avalon Farms Distemper And Cold Compound \* \* \* until the aggravating symptoms subside, after which a dose three times a day is sufficient until recovery is complete" were false, misleading, and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed on the said bottle labels and circulars.

On May 29, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13729. Adulteration and misbranding of butter. U. S. v. 13 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16915. I. S. No. 2081-v. S. No. E-4217.)**

On November 9, 1922, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 boxes of butter, at Buffalo, N. Y., alleging that the article had been shipped by the Sanilac County Creamery Co., Brown City, Mich., on or about October 23, 1922, and transported from the State of Michigan into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "1 Lb. Net Weight This butter is made from pure cream."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent, namely, butter-fat, had been wholly or in part abstracted.

Misbranding was alleged in substance for the reason that the statement "1 Lb. Net Weight," borne on the label, was false and misleading and deceived and misled the purchaser, in that the said article was short weight, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 21, 1922, the Sanilac County Creamery Co., Brown City, Mich., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, the decree further providing that the product be reworked under the supervision of this department and its subsequent sale be subject to the approval of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13730. Adulteration of canned salmon. U. S. v. 330 Cases of Pink Salmon and 46 Cases of Chum Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19067. I. S. No. 6258-v. S. No. C-3020.)**

On October 17, 1924, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and thereafter an amended libel praying the seizure and condemnation of 330 cases of pink salmon and 46 cases of chum salmon, at Dallas, Tex., alleging that the article had been shipped by the Carlisle Packing Co., Seattle, Wash., on or about September 4, 1924 (1923), and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Heron Brand Pink Salmon" (or "Rose Brand Chum Salmon") "Distributed By Carlisle Packing Co. Seattle, Wash."

It was alleged in substance in the libel that the article was decomposed and adulterated in violation of section 7, paragraph 6, of the said act.

On May 8, 1925, the Carlisle Packing Co., Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$376, conditioned in part that the unadulterated portion be separated from the adulterated portion under the supervision of this department, and that it not be sold or otherwise disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13731. Misbranding and alleged adulteration of butter. U. S. v. 125 Tubs and 245 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18142. I. S. Nos. 2326-v, 2327-v. S. No. E-4632.)**

On December 7, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 370 tubs of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the J. A. Long Co., Union City, Ind.,



alleging that the article had been shipped from Union City, Ind., in part June 30, 1923, and in part August 9, 1923, and transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On January 16, 1924, the J. A. Long Co., Union City, Ind., having appeared through its agent as claimant for the property and having consented to the entry of decrees, judgments of the court were entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of cash bonds in the aggregate sum of \$9,000, in conformity with section 10 of the act, said decrees further providing that any portion of the product not found in violation of the law be released immediately and the bonds reduced proportionately, and the remainder be reworked, repacked, and relabeled to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13732. Adulteration of canned sardines. U. S. v. 24 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17770. I. S. No. 2258-v. S. No. E-4481.)**

On September 8, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases, each containing 100 cans, of sardines, remaining in the original unbroken packages at Olean, N. Y., alleging that the article had been shipped by the Columbian Canning Co., from Lubec, Me., on or about August 7, 1923, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act., The article was labeled in part: (Can) "Champion Brand American Sardines \* \* \* Packed And Guaranteed By The Columbian Canning Co. \* \* \* Lubec, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 15, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13733. Adulteration and misbranding of vanilla extract. U. S. v. 30 Dozen Bottles et al. of Vanilla Extract. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20106, 20131, 20149. I. S. Nos. 14270-v, 14271-v, 24542-v, 24970-v. S. Nos. E-5322, E-5344, E-5386.)**

On or about June 11, 22, and 29, 1925, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 77 dozen bottles of vanilla extract, remaining in the original unbroken packages in various lots, at Hartford, Bridgeport, and New London, Conn., respectively, alleging that the article had been shipped by the Fulton Mfg. Co., New York, N. Y., in various consignments, namely, on or about December 2, 1924, and March 18 and April 20, 1925, respectively, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle and carton) "Fulton Brand Pure Vanilla Extract Purity And Quality Fulton Manufacturing Co. New York Contents 6 Drams" (or "Contents 2 Oz." or "Contents 2 Ounces"), as the case might be.

Adulteration of the article was alleged in the libels for the reason that a substance, a substandard vanilla extract, mixed and colored in a manner whereby damage and inferiority was concealed, had been substituted wholly

or in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements "Pure Vanilla Extract Purity And Quality Contents 6 Drams" or "Contents 2 Oz." or "Contents 2 Ounces," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was offered for sale under the distinctive name of another article.

On August 19, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13734. Misbranding of Allen's lung healer and body builder. U. S. v. 11 Bottles et al. of Allen's Lung Healer and Body Builder. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20139, 20140. S. Nos. E-5346, E-5347.)**

On June 25, 1925, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 54 bottles of Allen's lung healer and body builder, remaining in the original unbroken packages in part at Hartford, Conn., and in part at Meriden, Conn., alleging that the article had been shipped by the H. J. Allen Co., Lynn, Mass., in various consignments, namely, on or about May 15 and 27, and June 1, 1925, respectively, and transported from the State of Massachusetts into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.

Analysis of the article by the Bureau of Chemistry of this department showed that it was a partly emulsified mixture of mineral oil, about 30 per cent, volatile oils including anise oil, about one-half of 1 per cent, extracts of plant drugs including licorice and sanguinaria, benzoic acid, sugar, and water.

Misbranding of the article was alleged in the libels for the reason that the following statements borne in the labeling, regarding the curative and therapeutic effect of the said article, were false and fraudulent, to wit: (Bottle label) "Lung Healer and Body Builder Highly recommended for Lung and Bronchial Affections, such as \* \* \* Bronchitis, Asthma, Catarrh, Whooping Cough, Pneumonia, Hoarseness, Sore Throat, etc. Relieves Consumption. Builds up the body and fortifies the system against colds and wasting diseases. Ordinary colds are cured with a few doses, while chronic and deep-seated coughs yield gradually to a persistent use of the Lung Healer. Positively Guaranteed when our directions are faithfully followed. \* \* \* In severe cases \* \* \* For Babies And Children More Effective Than For Adults," (carton) "Lung Healer And Body Builder \* \* \* Highly Recommended for Lung And Bronchial Affections such as \* \* \* Bronchitis, Asthma, Catarrh, Whooping Cough, Croup, Hoarseness, Sore Throat, Inflammation of the Lungs, Mucous Membranes, etc., and to build up the body and fortify the System against Colds and Wasting Diseases. Especially Prepared and Recommended for Obstinate and Deep-Seated coughs \* \* \* For Coughs and Colds On The Lungs and Bronchial Tubes \* \* \* For Children who catch cold easily it is invaluable, both as a preventive and a cure. \* \* \* The Reliability of this medicine has been so thoroughly demonstrated that we back every claim we make for it with a positive guarantee \* \* \* While we do not claim infallibility in every case, the proportions of cures produced by Allen's Lung Healer has been so great that the rare cases of failure are insignificant," (circular and testimonials) "Lung Healer And Body Builder \* \* \* A highly effective remedy for Lung and Bronchial Affections such as \* \* \* Bronchitis, Asthma, Catarrh, Whooping Cough, Croup, Hoarseness, Sore Throat, Inflammation of the Lungs, Mucous Membranes, etc. Builds up the Body and fortifies the system against Colds and Wasting Diseases. Especially prepared and recommended for Obstinate and Deep-Seated Coughs. \* \* \* A Cough On The Lungs Must Not Be Neglected A Neglected Cough has caused the death of many a strong, robust man. Sore Lungs are the fore-runners of Pneumonia \* \* \* Allen's Lung Healer reaches the lungs and cures a cough or cold on the lungs when other remedies fail. It has proven so effective and has produced so many remarkable cures of severe cases that



it is sold with a Positive Guarantee. \* \* \* marvelous healing and germicidal properties and \* \* \* act specifically on the lungs and mucous membranes. \* \* \* Whether the cough or cold is on the lungs or in the throat it is equally effective. When the lungs are sore the first few doses relieve the soreness or congestion and improvement is steady and rapid. \* \* \* For Severe, Obstinate Coughs on the Lungs, Allen's Lung Healer is Wonderfully Effective. There has been discovered no sure cure for tuberculosis or pneumonia, but there is a preventative. A preventative that is worth a dozen trips to Arizona, or 'White Plague' Sanitoriums. Allen's Lung Healer is made to cure sore lungs, to stop coughs on the lungs, to make new tissues and build up the body, back to strength and vigor. For severe and obstinate coughs on the bronchial tubes or lungs it is the most effective remedy known. Allen's Lung Healer Prevents Pneumonia \* \* \* Baby Saved From Pneumonia By Allen's Lung Healer \* \* \* Girl Saved From Consumption \* \* \* Restored to Robust Health by Allen's Lung Healer. It is now an admitted fact that pneumonia can be positively prevented, as can the Great White Plague, tuberculosis. Allen's Lung Healer will surely Prevent these two insidious diseases, if taken in time. It kills the germs, heals inflamed parts, makes new tissues and builds up the body. Allen's Lung Healer is a Grand Remedy for Children, the Offspring of Consumptive Parents. Mother—Are your child's lungs susceptible to colds? Has it had pneumonia, whooping cough or measles? Are you worried about its lungs? Just take this name with you and think about it for one night, then get a bottle tomorrow and use it faithfully. \* \* \* a wonderful remedy. \* \* \* I gave it to my two children last winter, one of them had pneumonia, the other had a bad cough. \* \* \* I found it was something elegant \* \* \* a remedy that would act on the lungs as a healer, a germicide and a tissue builder, the three properties necessary in combating the two dread diseases, Pneumonia and Consumption. \* \* \* also \* \* \* effective in treating coughs and colds on the lungs \* \* \* save thousands of lives and prevent an immense amount of suffering \* \* \* hundreds of cases \* \* \* treated successfully and the merits of the remedy convincingly proven \* \* \* Suffered 20 Years From Bronchial Cough Cured by Allen's Lung Healer \* \* \* Asthmatic Sufferers Take Hope Allen's Lung Healer Will Help You \* \* \* Allen's Lung Healer Cures Severe Lung Cough \* \* \* The surest preventatives for pneumonia is Allen's Lung Healer. Take a few doses at the first appearance of a cold and it will protect the lungs from attack and the cold will pass off harmlessly. As a protector of the lungs it has proven wonderfully effective times without number," "Allen's Lung Healer Saves Boy's Life \* \* \* Restored to Health After Being Given Up \* \* \* Cough so Bad That He Spat Blood Right Lung So Sore He Could Not Lie on Right Side \* \* \* cured of a racking cough and sore lungs by using Allen's Lung Healer \* \* \* I can recommend Allen's Lung Healer for severe cough. \* \* \* relieving the congestion and soreness and curing the cough in a remarkably short time. \* \* \* a remedy for these chest colds that I can depend on to cure them quickly. \* \* \* wonderful lung healer. Relief for Consumptives Who Use Allen's Lung Healer \* \* \* wonderful healing and soothing effects of this medicine on the lungs has been established and proven beyond doubt. \* \* \* it will greatly relieve the cough and its distressing effects. \* \* \* we will gladly furnish free of charge a month's treatment to any one who will furnish satisfactory evidence that they have tuberculosis of the lungs \* \* \* Allen's Lung Healer is Equally Effective for a Severe Cough and Cold or a Fresh Cold \* \* \* Cures A Cough of A Year's Standing \* \* \* Suffered More Than Half His Life With Bronchial Cough. Cured At Last \* \* \* Allen's Lung Healer Excels Cod Liver Oil for the Lungs \* \* \* It acts much more quickly in relieving inflammation and soreness. It contains antiseptics \* \* \* and blood warming properties of the Oil \* \* \* After Pneumonia and Grippe Build up the System and Restore it Quickly to Healthy Condition by the Use of Allen's Lung Healer. Ordinarily it is a long tedious climb getting back into condition after a severe case of either pneumonia or grippe, but the Lung Healer is wonderfully effective as a restorative and a body builder. If the lungs are sore or weak, if there is obstinate cough, the effect of this remedy will surprise you. \* \* \* The reliability of this medicine has been so thoroughly demonstrated that I back every claim I make for it with a positive guarantee with every bottle. While I do not claim infallibility in every case, the proportions of cures produced by Allen's Lung Healer has been so great that the rare cases of failure are insignificant."

On August 19, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13735. Adulteration and misbranding of olive oil and other edible oils. U. S. v. 18 Cans et al. of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20098. I. S. Nos. 24537-v to 24541-v, incl., 24951-v to 24955-v, incl. S. No. E-5317.)**

On or about June 19, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 116 cans of olive oil (olive oil and other edible oils), transported in interstate commerce from New York City into the State of Connecticut, alleging that the articles had been shipped by G. Amarena, into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the articles was alleged in the libel for the reason that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted wholly or in part for the said articles.

Misbranding was alleged in substance for the reason that the labels on the cans containing the respective articles bore certain statements, designs, and devices, as follows: (29 cans) "This Olive Oil Is Guaranteed To Be Absolutely Pure And Is Made From The Finest Selected Olives Grown On The Italian Riviera. This Virgin Oil Is Highly Recommended For Medicinal \* \* \* Use"; (similar statements in Italian) "Vergine First Pressing Cream Olive Oil 128 Fluid Ounces. One Gallon Full Measure Guaranteed" (or "Half Gallon Full Measure Guaranteed"); (3 cans) "La Bella di Sorrento \* \* \* Olive Oil One Gallon Net" (cut of foreign woman and olive sprays bearing olives); (9 cans) "Pure Olive Oil \* \* \* Net Contents Half Gallon Superior Quality" (cut of olive sprays bearing olives); (3 cans) "Qualita Superiore Olio Tripolitania Puro Garantito Sotto Qualsiasi Analisi Chimica Contents ½ Gallon" (cut of map of Italy and foreign woman holding Italian flag, also map of Tripoli); (45 cans) "Extra Fine Olive Oil Olio D'Oliiva Purissimo Importato Italia Brand Contents 1 Gallon" (or "Contents ½ Gallon") "Unexcelled For \* \* \* Medicinal Use Quest 'Olio Di Oliiva Risulta Assolutamente Puro Sotto Analisi Chimica" (cut of olive branches and crown); (10 cans) "Contents One Gallon Olio Sicilia" (cut of foreign appearing chef); (3 cans) "La Vergine \* \* \* Finest Quality Oil Lucca Contents 1 Gallon Net Extra Fine Quality Oil Insuperable" (cut of olive bearing tree and foreign scene); (14 cans) "Net Contents Full ½ Gallon Olio Sopraffino Qualita Superiore Olio Finissimo \* \* \* Olive Oil \* \* \* Tripolitania \* \* \* Superior Quality" (cut of foreign medals, shields, crowns, and Italian flags), which said statements, designs, and devices borne on the cans containing the various products, together with the use of the Italian language in each instance, were intended to be of such a character as to induce the purchaser to believe that the products were as represented, and that the cans contained the respective amounts of the products represented, when, in truth and in fact, the products were not as represented and the said cans did not contain the amounts represented. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, and for the further reason that they purported to be foreign products, when in fact they were of domestic manufacture packed in the United States.

On August 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13736. Misbranding of salad oil. U. S. v. 25 Tins of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20102. I. S. No. 24961-v. S. No. E-5326.)**

On or about June 15, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying the seizure and condemnation of 25 tins of salad oil, remaining in the original unbroken packages at



Bridgeport, Conn., alleging that the article had been shipped by the Fazio Brokerage Co., New York, N. Y., in part on or about April 23, 1925, and in part on or about May 6, 1925, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "San Giuseppe Brand Salad Oil Vegetable Oil Slightly Flavored With Pure Olive Oil A Compound Net Contents One Gallon."

Misbranding of the article was alleged in the libel for the reason that the labels on the tins containing the said article, "Slightly Flavored With Pure Olive Oil Net Contents One Gallon," were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On August 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13737. Misbranding of olive oil. U. S. v. 11 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20085. I. S. No. 24525-v. S. No. E-5315.)**

On May 28, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 gallons of olive oil, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by Yohalem & Diamond, New York, N. Y., on or about February 6, 1925, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Olio Puro D'Oliiva White Star Brand Net Contents One Full Half Gallon."

Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

It was alleged in substance in the libel that the article was misbranded, in that the labels of the cans containing the said article bore certain statements, namely, "Net Contents One Full Half Gallon," which said statements were intended to induce the purchaser to believe that the cans contained one-half gallon of olive oil, when, in truth and in fact, they did not contain one-half gallon thereof.

On August 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13738. Adulteration of tomato ketchup. U. S. v. 35 Cases of Tomato Ketchup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20117. I. S. No. 24545-v. S. No. E-5329.)**

On June 13, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 cases of tomato ketchup, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by W. N. Clark Co., Rochester, N. Y., on or about August 6, 1924, and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "W. N. Clark Co. Tomato Ketchup. Contents 7 Lbs."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13739. Adulteration of canned cherries. U. S. v. 17 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20116. I. S. No. 24544-v. S. No. E-5331.)

On June 13, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cases of canned cherries, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the W. N. Clark Co., Rochester, N. Y., on or about April 7, 1925, and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Extra Quality New York State Pitted Red Cherries Packed by W. N. Clark Co. Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13740. Adulteration of tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20150. I. S. No. 14269-v. S. No. E-5358.)

On or about July 6, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of tomato paste, remaining in the original unbroken packages at New London, Conn., alleging that the article had been shipped by Wm. Silver & Co., Georgetown, Del., on or about November 15, 1924, and transported from the State of Delaware into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Venetian Queen Brand Tomato Paste (Venice Style) Prepared By The Townsend Co. Georgetown, Del."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On August 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13741. Adulteration and misbranding of jams. U. S. v. 50 Cases and 232 Cases of Assorted Jams. Products released under bond.** (F. & D. Nos. 20254, 20280. I. S. Nos. 23252-v to 23263-v, inclusive. S. Nos. W-1746, W-1753.)

On July 25, 1925, the United States attorney for the District of Wyoming, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 282 cases of assorted jams, remaining in the original unbroken packages at Sheridan, Wyo., consigned by the Pure Food Mfg. Co., Denver, Colo., alleging that the articles had been shipped from Denver, Colo., on or about April 14, 1925, and transported from the State of Colorado into the State of Wyoming, and charging adulteration and misbranding in violation of the food and drugs act as amended. The said jams were labeled in part: "Delicious Brand Compound Of Pectin, Sugar And Blackberry" (or "Raspberry" or "Peach" or "Plum" or "Strawberry" or "Loganberry") "Jam" and "Delicious Brand Apple Pectin and Plum Jam. Packed By The Pure Food Mfg. Co., Denver, Colo." The containers in 232 cases were further labeled "Contents 4 Lbs. 10 Ozs."

Adulteration of the articles was alleged in the libels for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength and had been substituted in part for the said articles.

Misbranding was alleged for the reason that the labels bore the statements "Compound Of Pectin, Sugar And Blackberry Jam" or "Raspberry," "Peach," "Plum," "Strawberry," or "Loganberry" or "Apple Pectin and Plum Jam," as the case might be, which said statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the product contained in the said 232 cases for the further reason that they



were labeled "Contents 4 Lbs. 10 Ozs.," which label was false and misleading, in that the cans did not contain 4 pounds and 10 ounces of the product but a much less quantity, and for the further reason that the said products were in package form and the quantity of the contents was not plainly and correctly stated on the outside of each package, and for the further reason that they were imitations of and offered for sale under the distinctive names of other articles.

On July 31, 1925, the Pure Food Mfg. Co., Denver, Colo., having appeared as claimant for the property, decrees of the court were entered, ordering that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate amount of \$3,000, conditioned in part that they not be sold or disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13742. Misbranding of olive oil. U. S. v. Tamer K. Malouf (T. K. Malouf & Co.). Plea of guilty. Fine, \$100. (F. & D. No. 18996. I. S. Nos. 15390-v, 15392-v, 15393-v.)**

On June 16, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Tamer K. Malouf, trading as T. K. Malouf & Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, namely, on or about July 30 and December 12, 1923, and January 22, 1924, respectively, from the State of New York into the State of Massachusetts, of quantities of olive oil which was misbranded. The article was labeled in part, variously: "Net Contents 1 Gallon," "Net Contents One Quart," or "Net Contents One Gallon."

Misbranding of the article was alleged in the information for the reason that the statements "Net Contents 1 Gallon," "Net Contents One Quart," and "Net Contents One Gallon," borne on the respective sized cans containing the said article, were false and misleading, in that the said statements represented that the cans contained 1 gallon net or 1 quart net of the said article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 1 gallon net or 1 quart net of the article, as the case might be, whereas the said cans did not contain the amounts declared on the labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 22, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13743. Adulteration and misbranding of tomato paste. U. S. v. 18 Cases et al. of Tomato Paste. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 19217. I. S. No. 22665-v. S. No. C-4548.)**

On December 3, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 100 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Greco Canning Co., Inc., from San Francisco, Calif., on or about October 11, 1924, and transported from the State of California into the State of Louisiana and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De Luxe Concentrated Tomato Sauce. Packed by Greco Canning Co. San Jose \* \* \* Cal."

Adulteration of the article was alleged in the libels for the reason that a substance, an artificially colored tomato paste or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Concentrated Tomato Sauce," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a concentrated tomato sauce containing artificial color not declared on the label.

On December 29, 1924, the Greco Canning Co., Inc., San Jose, Calif., having appeared as claimant for the property and having admitted the allegations

of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$750, in conformity with section 10 of the act, conditioned in part that it be relabeled by pasting stickers conspicuously placed on the labels bearing the statement "Artificially Colored."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13744. Adulteration and misbranding of cottonseed meal. U. S. v. Swift & Co. Plea of nolo contendere. Fine and costs, \$25. (F. & D. No. 14323. I. S. No. 17777-r.)**

On April 15, 1921, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Augusta, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about April 19, 1919, from the State of Georgia into the State of Massachusetts, of a quantity of cottonseed meal which was adulterated and misbranded.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for good cottonseed meal, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Good Cotton Seed Meal" and "Guaranteed Analysis Protein (minimum) 36.00% \* \* \* Crude Fibre (maximum) 14.00% \* \* \* Ingredients: Made from upland cotton seed only," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of cottonseed meal and contained not less than 36 per cent of protein and not more than 14 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of cottonseed meal and contained not less than 36 per cent of protein and not more than 14 per cent of crude fiber, whereas it did not consist wholly of cottonseed meal but did consist in part of cottonseed hulls, and it contained less than 36 per cent of protein, to wit, 34.64 per cent of protein, and more than 14 per cent of crude fiber, to wit, 17.68 per cent of crude fiber. Misbranding was alleged for the further reason that the article was a mixture composed in part of cottonseed hulls prepared in imitation of good cottonseed meal, and was offered for sale and sold under the distinctive name of another article, to wit, good cottonseed meal.

On November 6, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25, which included the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13745. Adulteration and misbranding of assorted jellies. U. S. v. 50 Cases of Assorted Jellies. Products released under bond to be relabeled. (F. & D. No. 17500. I. S. Nos. 5527-v, 5528-v, 5529-v, 5530-v. S. No. C-3970.)**

On May 7, 1923, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of jellies, remaining in the original unbroken packages at Fargo, N. D., alleging that the articles had been shipped by the Wheeler-Barnes Co., from Minneapolis, Minn., on or about July 22, 1922, and transported from the State of Minnesota into the State of North Dakota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: "Argood Brand Apple and Grape" (or "Strawberry" or "Raspberry" or "Currant") "Jelly 55% Sugar 35% Apple 10% \* \* \* Juice Net Weight 6½ Oz."

Adulteration of the articles was alleged in the libel for the reason that pectin had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength, and in that a product consisting of sugar and pectin had been substituted in part for fruit juice and sugar.

Misbranding was alleged in substance for the reason that the statements borne on the packages containing the said articles, "Argood Brand Apple and



Grape Jelly 55% Sugar 35% Apple 10% Grape Juice," "Argood Brand Apple and Strawberry Jelly 55% Sugar 35% Apple 10% Strawberry Juice," "Argood Brand Apple and Raspberry Jelly 55% Sugar 35% Apple 10% Raspberry Juice," or "Argood Brand Apple and Currant Jelly 55% Sugar 35% Apple 10% Currant Juice," as the case might be, were false and misleading, in that the labels did not show that the jellies contained pectin, and in that the said statements represented that the articles consisted entirely of sugar, apple, and the respective fruit juices declared on the labels, whereas the said jellies were not composed of the substances declared on the labels but contained in addition thereto the substance, pectin. Misbranding was alleged in substance for the further reason that the statements "55% Sugar 35% Apple 10% Grape" (or other fruit) "Juice," were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 30, 1923, the Wheeler-Barnes Co., Minneapolis, Minn., having appeared as claimant for the property, the products were released to the said claimant upon the execution of a bond in the sum of \$150, conditioned in part that they be relabeled "Pure Pectin Jelly With Added Fruit Acid, Colored with \_\_\_\_\_ Juice," with the name of the fruit juice used inserted in the blank, and that the labels bear a correct net weight declaration.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13746. Misbranding of butter. U. S. v. Southern Creameries, Inc. Plea of guilty. Judgment, \$100.** (F. & D. No. 19264. I. S. Nos. 997-v, 7298-v, 7304-v.)

At the March, 1925, term of the United States District Court within and for the Middle District of Tennessee, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Southern Creameries, Inc., a corporation, trading at Nashville, Tenn., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about February 7, 1924, from the State of Tennessee into the State of Georgia, and on or about February 8 and 11, 1924, respectively, from the State of Tennessee into the State of Alabama, of quantities of butter which was misbranded. The article was contained in packages labeled in part: "1 Lb. Net Weight" or "One Pound Net."

Examination by the Bureau of Chemistry of this department of 96, 100, and 50 packages from the different shipments showed an average net weight of 15.72, 15.69, and 15.8 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statements "1 Lb. Net Weight" or "One Pound Net," as the case might be, borne on the packages containing the said article, were false and misleading, in that they represented that each of the said packages contained 1 pound net of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of butter, whereas each of the packages contained a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 18, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed judgment against said defendant for \$100, in lieu of fine and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13747. Adulteration and misbranding of flavoring extract. U. S. v. Arthur L. Leech and S. Elfred Leech (Arthur L. Leech Co.). Pleas of nolo contendere. Fines, \$100.** (F. & D. No. 19614. I. S. Nos. 12875-v, 16936-v, 17216-v, 17318-v.)

On May 1, 1925, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Arthur L. Leech and S. Elfred Leech, copartners, trading as the Arthur L. Leech Co., Kennebunk, Me., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on or about October 20, 1924, from the State of Maine into the States of New York, Massachusetts, and Maryland, respectively, of quantities of flavoring extract which was adulterated and

misbranded. The article was labeled in part: "Leech's Golden Glow \* \* \* Flavoring Containing The Pure Crystallized Principal Aromatic Constituent of the Vanilla Bean (Vanillin U. S. P.), Coumarin and Caramel. \* \* \* Manufactured and Guaranteed by The Arthur L. Leech Co. \* \* \* Kennebunk, Maine."

Analysis by the Bureau of Chemistry of this department of samples of the article showed that it was a mixture of vanillin and coumarin colored with caramel and containing very little, if any, vanilla extract.

Adulteration of the article was alleged in the information for the reason that an imitation vanilla extract had been substituted for a product which contained the pure crystallized principal aromatic constituents of the vanilla bean (Vanillin U. S. P.), which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Flavoring Containing The Pure Crystallized Principal Aromatic Constituent of the Vanilla Bean (Vanillin U. S. P.)," borne on the labels attached to the bottles containing the article, was false and misleading, in that the said statement represented that the said article was a flavoring product which contained the pure crystallized principal aromatic constituent of the vanilla bean (Vanillin U. S. P.), to wit, a pure vanilla extract, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a flavoring product which contained the pure crystallized principal aromatic constituent of the vanilla bean (Vanillin U. S. P.), to wit, a pure vanilla extract, whereas it was a mixture of vanillin and coumarin colored with caramel, which contained very little, if any, vanilla extract.

On July 20, 1925, the defendants entered pleas of nolo contendere to the information, and the court imposed fines in the aggregate amount of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13748. Adulteration and misbranding of cottonseed meal. U. S. v. 250 Sacks of Cottonseed Meal. Product ordered released under bond. (F. & D. No. 19433. I. S. No. 22278-v. S. No. E-5074.)**

On January 8, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of cottonseed meal, remaining in the original packages at Hampton, Va., alleging that the article had been shipped by the New Bern Oil & Fertilizer Co., from New Bern, N. C., on or about November 3, 1924, and transported from the State of North Carolina into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein had been mixed and packed with the said article so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement "Cotton Seed Meal \* \* \* Guaranteed Analysis: Protein \* \* \* 36," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On February 2, 1925, the New Bern Oil & Fertilizer Co., New Bern, N. C., having appeared as claimant for the property, a decree of the court was entered, ordering that the product be released to the said claimant, upon the execution of a bond in the sum of \$500, conditioned in part that it be disposed of for some purpose other than feed purposes, and in such manner as to conform with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13749. Adulteration of canned sardines. U. S. v. 7 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19377. I. S. No. 13446-v. S. No. E-5041.)**

On December 13, 1924, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 cases of sardines, at Binghamton, N. Y., alleging that the article had been shipped by the Seacoast Canning Co., from Eastport, Me., on or about July 14, 1924, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and



drugs act. The article was labeled in part: (Can) "Neptune Brand \* \* \* Sardines in Mustard Sauce Seacoast Canning Co. Eastport, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 30, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13750. Adulteration and misbranding of heroin hydrochloride tablets, codeine sulphate tablets, and morphine sulphate tablets.** U. S. v. J. Augustus Miller. Plea of guilty. Fine, \$100. (F. & D. No. 19588. I. S. Nos. 2437-v,\* 5256-v, 15335-v, 16765-v.)

On June 10, 1925, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. Augustus Miller, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about January 22, April 1, and June 2, 1924, respectively, from the State of New York into the States of Massachusetts, Vermont, and Missouri, respectively, of quantities of morphine sulphate tablets, and on or about April 24, 1924, from the State of New York into the State of Pennsylvania of quantities of heroin hydrochloride tablets and codeine sulphate tablets, respectively, all of which were adulterated and misbranded. The articles were labeled, respectively: "1000 Hypodermic Tablets Heroin Hyd.  $\frac{1}{2}$  gr. 5 mgm. J. A. Miller Co., New York. J. Augustus Miller Chemical Works \* \* \* Brooklyn, N. Y."; "1000 Tablet Triturates Codeine Sul.  $\frac{1}{2}$  gr. 32 mgm. J. A. Miller, Brooklyn, N. Y."; and "1000" (or "100") "Hypodermic Tablets Morphine Sul.  $\frac{1}{2}$  Gr. 32 mgm" (or " $\frac{1}{4}$  gr. 16 mgm.") "J. A. Miller, Brooklyn, N. Y."

Analysis of samples of the articles by the Bureau of Chemistry of this department showed that: The two lots of morphine sulphate tablets labeled " $\frac{1}{2}$  Gr. 32 mgm." averaged not more than 0.41 grain, equivalent to 26.6 milligrams, and 0.42 grain, equivalent to 27.3 milligrams, respectively, of morphine sulphate to each tablet, and those labeled " $\frac{1}{4}$  gr. 16 mgm." averaged not more than 0.196 grain, equivalent to 12.7 milligrams, of morphine sulphate to each tablet; the heroin hydrochloride tablets, labeled " $\frac{1}{2}$  gr. 5 mgm.," averaged not more than 0.069 grain, equivalent to 4.49 milligrams, of heroin hydrochloride to each tablet; and the codeine sulphate tablets, labeled " $\frac{1}{2}$  gr. 32 mgm.," averaged not more than 0.426 grain, equivalent to 27.6 milligrams, of codeine sulphate to each tablet.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the tablets contained less of the respective products than declared.

Misbranding was alleged in substance for the reason that the statements, to wit, "Tablets Heroin Hyd.  $\frac{1}{2}$  gr." and "5 mgm.," with respect to the heroin hydrochloride tablets; "Codeine Sul.  $\frac{1}{2}$  gr." and "32 mgm.," with respect to the codeine sulphate tablets; "Morphine Sul.  $\frac{1}{2}$  Gr." and "32 mgm.," with respect to a portion of the morphine sulphate tablets; and the statement "Morphine Sul.  $\frac{1}{4}$  gr." and "16 mgm.," with respect to the remainder of the morphine sulphate tablets, borne on the labels, were false and misleading, in that the said statements represented that the said tablets contained one-twelfth grain, approximately equivalent to 5 milligrams, of heroin hydrochloride; one-half grain, approximately equivalent to 32 milligrams, of codeine sulphate; and one-half grain or one-quarter grain, approximately equivalent to 32 milligrams and 16 milligrams, respectively, of morphine sulphate, as the case might be, whereas the said tablets did not contain the amounts of the respective products declared on the labels but did contain less amounts.

On June 10, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*





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<sup>1</sup> Contains instructions to the jury.

<sup>2</sup> Contains opinion of the court.





# United States Department of Agriculture

## SERVICE AND REGULATORY ANNOUNCEMENTS

### BUREAU OF CHEMISTRY

### SUPPLEMENT

N. J. 13751-13800

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 10, 1925]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13751. Adulteration and misbranding of butter. U. S. v. 37 Cases of Butter. Product ordered released under bond. (F. & D. No. 20365. I. S. Nos. 6485-x, 6486-x. S. No. E-5380.)**

On or about August 5, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 37 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Valdosta Creamery, from Valdosta, Ga., July 31, 1925, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Guaranteed One Pound Net Weight When Packed \* \* \* Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Butter \* \* \* One Pound Net Weight," borne on the packages containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 14, 1925, T. J. Fenn, Valdosta, Ga., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$950, conditioned in part that it be destroyed or reworked to meet the requirements of the said act and that the packages be relabeled to show the true contents thereof.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13752. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20361. I. S. No. 38-x. S. No. W-1762.)**

On or about August 4, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cubes of butter, remaining in the original

unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Lakeview Creamery Co., from Lakeview, Oreg., July 22, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Lakeview Creamery, Lakeview, Ore."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, namely, milk fat, had been in part abstracted.

On August 18, 1925, the Lakeview Creamery Co., Lakeview, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$175, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law under the supervision of and to the satisfaction of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13753. Adulteration and misbranding of butter. U. S. v. 48 Cases of Butter. Product ordered released under bond. (F. & D. No. 20379. I. S. Nos. 6424-x, 6425-x. S. No. E-5379.)**

On August 3, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Valdosta Creamery, from Valdosta, Ga., July 27, 1925, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On August 14, 1925, T. J. Fenn, Valdosta, Ga., having appeared as claimant for the property and having admitted the allegations of the libel, a decree of the court was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,150, in conformity with section 10 of the act, conditioned in part that it be reworked so as to comply with the law and that the packages be relabeled to show the true contents.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13754. Adulteration and misbranding of butter. U. S. v. 6 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20265. I. S. No. 6026-x. S. No. E-5369.)**

On July 8, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 tubs of butter, labeled in part: "From Rowan Creamery Co. Salisbury, N. C.," remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Salisbury, N. C., on or about July 1, 1925, and transported from the State of North Carolina into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.



Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 15, 1925, Edson Bros., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, and that the said product be reconditioned in accordance with the ruling of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13755. Adulteration and misbranding of butter. U. S. v. 10 Tubs and 27 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20308, 20309. I. S. Nos. 6805-x, 6887-x. S. Nos. E-5437, E-5438.)

On July 20, 1925, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 37 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Whelan Produce Co., Elma, Iowa, on or about July 9, 1925, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 11, 1925, the Elma Cooperative Creamery Co., Elma, Iowa, and Jacob Narzisenfeld, New York, N. Y., having appeared as claimants for respective portions of the product and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,200, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13756. Adulteration of tomato puree. U. S. v. 14 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19513. I. S. No. 15512-v. S. No. E-5106.)

On January 19, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 cases of tomato puree, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Wm. Silver & Co., Inc., from Broadkill, Del., November 6, 1924, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Bell Brand Puree Tomato \* \* \* Wm. Silver & Co., Inc. Aberdeen, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 27, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13757. Misbranding and alleged adulteration of evaporated apples. U. S. v. 40 Cases of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19881. I. S. No. 13595-v. S. No. E-5162.)

On March 11, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 cases of evaporated apples, remaining in the original unbroken pack-

ages at Hartford, Conn., alleging that the article had been shipped by C. C. Hall, Inc., from Brighton, N. Y., on or about January 6, 1925, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On June 2, 1925, C. C. Hall, Inc., Rochester, N. Y., having appeared as claimant for the property, a decree of the court was entered, adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$280, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13758. Adulteration of canned shrimp. U. S. v. 3,618 Cans of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19812. I. S. No. 13589-v. S. No. E-5061.)

On February 19, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3,618 cans of shrimp, remaining in the original unbroken packages at Bridgeport, Conn., consigned in part from New Orleans, La., and in part from Houma, La., alleging that the article had been shipped by the Marine Products Co., into the State of Connecticut, in part June 26, 1924, and in part July 10, 1924, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pel-La-Co Brand Fancy Louisiana Shrimp Packed By Pelican Lake Oyster & Packing Co. Ltd. Houma, La."

Adulteration of the article was alleged in substance in the libel for the reason that a filthy, decomposed, or putrid animal substance had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and had been substituted wholly or in part for the said article.

On April 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13759. Adulteration of evaporated apples. U. S. v. 300 Boxes of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19979. I. S. No. 14868-v. S. No. C-4705.)

On April 8, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 boxes of evaporated apples, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by A. C. Hamilton & Co., from Fayetteville, Ark., on or about October 10, 1924, and transported from the State of Arkansas into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples Mount Sequoyah Brand Packed By A. C. Hamilton & Co. Fayetteville, Ark."

Adulteration of the article was alleged in the libel for the reason that a substance containing excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On August 5, 1925, A. C. Hamilton & Co., Fayetteville, Ark., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, said bond providing that the product be reconditioned and further dried and that it not be used or disposed of until inspected by a representative of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*



**13760. Misbranding and alleged adulteration of butter. U. S. v. 237 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18149. I. S. No. 2311-v. S. No. E-4637.)**

On December 8, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 237 tubs of butter, at Buffalo, N. Y., consigned by the Pioneer Creamery Co., from Champaign, Ill., alleging that the article had been shipped from Champaign, Ill., October 20, 1923, and transported from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted therefrom.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On January 19, 1924, Fred F. Stone, Buffalo, N. Y., agent for the Pioneer Creamery Co., Galesburg, Ill., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be released to the claimant, upon payment of the costs of the proceedings and the execution of a cash bond in the sum of \$7,500, conditioned in part that the product be re-analyzed, the portion found to comply with the law released unconditionally and the bond reduced correspondingly, and that the remainder be reworked under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13761. Adulteration and misbranding of flour. U. S. v. 2,680 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18511. I. S. No. 2399-v. S. No. E-4790.)**

On March 22, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2,680 sacks of flour, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Kaw Milling Co., Topeka, Kans., alleging that the article had been shipped from Topeka, Kans., March 9, 1924, and transported from the State of Kansas into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "24½ Lbs. \* \* \* Best Flour."

It was alleged in substance in the libel that the article violated the said act, in that a substance, excessive moisture, had been substituted wholly or in part for the said article.

It was further alleged in the libel that the article was misbranded in that the label bore the statement "24½ Lbs. \* \* \* Best Flour," which was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On May 12, 1924, the Kaw Milling Co., Topeka, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered on the grounds that the product was short weight and misbranded and contained too much moisture, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,020, in conformity with section 10 of the act, said decree providing that the product may be reanalyzed and the portion found to comply with the law released unconditionally and the bond reduced proportionately, and that the remainder be reconditioned and repacked under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13762. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18926. I. S. No. 2367-v. S. No. E-4927.)**

On August 24, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped from Blue Island, Ill., August 1, 1924, and transported from the State of Illinois into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Chickasha Cotton Oil Co. Manufacturers Of Cotton Seed Products \* \* \* 'Chickasha Prime' Cottonseed Cake or Meal (Composed of Cotton Seed only) Guaranteed Analysis: Protein not less than 43 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis: Protein not less than 43 per cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On or about September 20, 1924, the Chickasha Cotton Oil Co., Chickasha, Okla., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, said decree providing further that if the product be relabeled so as to be sold the sacks be relabeled as containing 41 per cent of protein.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13763. Misbranding and alleged adulteration of canned oysters. U. S. v. 24 Cases of Oysters. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17475. I. S. No. 2117-v. S. No. E-4369.)**

On April 24, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases, each containing 48 cans of oysters, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the St. Michaels Packing Co., St. Michaels, Md., March 16, 1923, and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Sure-Go Brand Cove Oysters Packed By The St. Michaels Packing Co. St. Michaels, Md. Contents Weigh 5 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for oysters.

Misbranding was alleged for the reason that the statement "Cove Oysters \* \* \* Contents Weigh 5 Oz.," together with a design showing an oyster on half shell, borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 15, 1923, the St. Michaels Packing Co., St. Michaels, Md., having appeared as claimant for the property, a decree of the court was entered, adjudging the product to be misbranded and ordering its condemnation, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, said bond providing that the product not be disposed of contrary to law, and that if relabeled such relabeling be done under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13764. Misbranding of Euca-Mul. U. S. v. 5 Gross Bottles of Euca-Mul. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14161. I. S. No. 10413-t. S. No. W-830.)**

On January 20, 1921, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemna-



tion of 5 gross bottles of Euca-Mul, remaining in the original packages at Phoenix, Ariz., alleging that the article had been shipped by Edward G. Binz [Edward G. Binz Co.], Los Angeles, Calif., on or about August 16, 1920, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of an emulsion of eucalyptus oil, reducing sugar, glycerin, gum, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the labels of the bottles and cartons containing the said article, and the accompanying circular, bore the following statements: (Bottle and carton) "Gives immediate Relief in \* \* \* Asthma Croup, Pneumonia Whooping Cough, Consumption and any Lung or Throat Trouble \* \* \* excellent for all Chronic Throat and Lung troubles. \* \* \* It builds up resisting power in patient, controls the cough," (circular) "Will \* \* \* relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough \* \* \* For Whooping Cough \* \* \* Use \* \* \* and \* \* \* you will control the whooping cough in a short time. Consumption In this trouble, use Euca-Mul \* \* \* for the effect in the disease, regardless of the cough \* \* \* Asthma This disease should be treated with Euca-Mul \* \* \* Croup \* \* \* Euca-Mul will be appreciated in this disease. \* \* \* The persistent use of Euca-Mul brings the best results," which statements were false and fraudulent, in that the article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects so claimed.

On April 17, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13765. Adulteration and misbranding of prepared mustard. U. S. v. 65 Cartons of Prepared Mustard. Product relabeled and released under bond. (F. & D. No. 19419. I. S. No. 21008-v. S. No. W-931.)**

On December 27, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 65 cartons of prepared mustard, at Tacoma, Wash., alleging that the article had been shipped by A. Luedemann, Inc., from New York, N. Y., arriving at Tacoma, Wash., about December 15, 1924, and transported from the State of New York into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Düsseldorf Brand Prepared Mustard \* \* \* A. Luedemann, Inc. New York."

Adulteration of the article was alleged in the libel for the reason that a substance, an imitation mustard, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement "Prepared Mustard," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On August 1, 1925, the Tacoma Grocery Co., Tacoma, Wash., claimant, having paid the costs of the proceedings and having properly labeled the product and executed a good and sufficient bond, conditioned that the product not be sold or otherwise disposed of contrary to law, a decree of the court was entered, ordering that the product be delivered and released to the said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13766. Adulteration and misbranding of evaporated apples. U. S. v. 42 Boxes of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19901. I. S. No. 12681-v. S. No. E-5180.)**

On March 18, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and

condemnation of 42 boxes of evaporated apples, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by E. B. Holton, Webster, N. Y., December 5, 1924, and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Daisie Brand Choice Wood Dried Evaporated Ring Apples Packed By E. B. Holton, Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement "Evaporated Apples" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 29, 1925, E. B. Holton, Webster, N. Y., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500. in conformity with section 10 of the act, conditioned in part that it be properly relabeled.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13767. Adulteration of shell eggs. U. S. v. 432 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20405. I. S. No. 1404-x. S. No. C-4807.)**

On August 7, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 432 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by L. R. Vogt, from Bedford, Iowa, August 4, 1925, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

During the month of August, 1925, H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed, and the good portion released.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13768. Adulteration of shell eggs. U. S. v. 360 Cases of Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20404. I. S. No. 1256-x. S. No. C-4802.)**

On August 5, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 360 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by B. A. Oesterich, from Lemmon, S. Dak., on or about July 30, 1925, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

During the month of August, 1925, B. A. Oesterich, Lemmon, S. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed, and the good portion released.

C. F. MARVIN, *Acting Secretary of Agriculture.*



**13769. Adulteration and misbranding of tomato paste. U. S. v. 165 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20344. I. S. No. 3911-x. S. No. C-4808.)**

On or about August 12, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 165 cases of tomato paste, at New Orleans, La., alleging that the article had been shipped by the New Central Canning Co., Inc., from Buena Park, Calif., on or about July 7, 1925, and transported from the State of California into the State of Louisiana and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Kitty Brand Tomato Paste Net Contents 6 Oz. Salsa Di Pomodoro Packed By New Central Canning Co. Inc. Buena Park, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, borne on the labels, "Tomato Paste Salsa Di Pomodoro," was false and misleading and deceived and misled the purchaser.

On August 13, 1925, the New Central Canning Co., Buena Park, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled, with the statement "Artificially Colored" appearing conspicuously on the label.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13770. Adulteration and misbranding of rice. U. S. v. 735 Bags of Rice. Product ordered released under bond. (F. & D. No. 19504. I. S. No. 3562-v. S. No. E-4910.)**

On or about January 19, 1925, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 735 bags of rice, at San Juan, P. R., alleging that the article had been shipped by the American Rice Milling Co., New Orleans, La., on or about October 7, 1924, and transported from the State of Louisiana into the Territory of Porto Rico, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On September 2, 1925, the product having been theretofore released by order of the court to the claimant, the American Rice Milling Co., New Orleans, La., under the terms of a bond in the sum of \$3,200, conditioned that it be used for chicken feed, and the said claimant having established that a portion of the product had since been reconditioned and found by the proper authorities to be fit for human consumption, an amended decree was entered, authorizing that 627 sacks of the said product be sold for human food and that 45 sacks be sold for chicken feed.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13771. Adulteration and misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19914. I. S. No. 21297-v. S. No. E-5191.)**

On March 23, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of cottonseed meal, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Ashcraft-Wilkinson Co., from Fremont, N. C., December 12, 1924, and

transported from the State of North Carolina into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Paramount Brand Good Cotton Seed Meal Ashcraft-Wilkinson Co. Atlanta, Ga. Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% Crude Fibre (maximum) 14.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein (ammonia) and containing excessive fiber had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements "Good Cotton Seed Meal Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% Crude Fibre (maximum) 14.00%," borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 22, 1925, the Ashcraft-Wilkinson Co., Atlanta, Ga., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until properly labeled and until passed by a representative of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13772. Adulteration and misbranding of butter. U. S. v. 71 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20383. I. S. No. 7056-x. S. No. E-5472.)

On August 19, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 71 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Northern Cold Storage & Warehouse Co., from Duluth, Minn., August 10, 1925, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 2, 1925, Charles P. Mecabe & Son, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13773. Adulteration and misbranding of butter. U. S. v. 9 Boxes, et al., of Butter. Decrees of condemnation entered. Product released under bond.** (F. & D. Nos. 20174, 20175, 20203, 20237. I. S. Nos. 24253-v, 24260-v, 24350-v, 5101-x. S. Nos. E-5361, E-5362, E-5365, E-5412.)

On June 24 and 29 and July 3, 1925, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 25 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned on various dates, namely, June 9, 18, and 28, 1925, respectively, alleging that the article had been shipped by the Fred C. Mansfield Co., in various consignments, from Chicago, Ill., and London and Princeton, Wis., respectively, and transported from the States of Illinois and Wisconsin, respectively, into the State of Maryland, and charging adulteration and misbranding with respect to a portion of the product and misbranding with respect to the remainder, in violation of the



food and drugs act as amended. A portion of the article was labeled in part: "Edel's Fine Butter \* \* \* One Pound Net \* \* \* 'Not Merely Good, But the Finest Obtainable.'" The remainder of the said article was labeled in part: "1 Lb. Net Weight."

Adulteration was alleged with respect to 19 boxes of the product for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements "Edel's Fine Butter \* \* \* One Pound Net \* \* \* 'Not Merely Good, But the Finest Obtainable,'" with respect to 19 boxes of the product, and the statement "1 Lb. Net Weight," with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the said 19 boxes of the product for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to all the said product for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 3, 1925, the Fred C. Mansfield Co., Johnson Creek, Wis., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$800, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until properly labeled and inspected by a representative of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13774. Adulteration and misbranding of canned oysters. U. S. v. 50 Cases of Canned Oysters. Product released to claimant. (F. & D. No. 17338. I. S. No. 4497-v. S. No. C-3924.)**

On March 9, 1923, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of canned oysters, remaining in the original packages at Louisville, Ky., consigned by the H. G. Leiding Co., Charleston, S. C., December 22, 1922, alleging that the article had been shipped in interstate commerce from Charleston, S. C., into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Crystal Bay Oysters Contains 5 Oz. Oyster Meat. H. G. Leiding Co. Sole Agents, Charleston, S. C."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Contains 5 Oz. Oyster Meat," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 30, 1924, the Shelmore Oyster Products Co., claimant, having admitted the allegations of the libel and agreed to pay the costs of the proceedings, and having relabeled the product in a manner satisfactory to this department, an order of the court was entered, providing for the release of the said product to the claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13775. Misbranding of butter. U. S. v. 4 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20401. I. S. No. 118-x. S. No. W-1767.)**

On or about August 19, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cases, each containing 60 pounds, of butter, remaining in the original unbroken packages at Seattle, Wash., delivered for shipment by Armour & Co., Seattle, Wash., August 17, 1925, alleging that the article had been prepared for shipment from the State of Washington into the

Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "One Pound Net Weight Armour's Cloverbloom \* \* \* Butter. Armour And Company General Offices, Chicago Distributors."

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the act, paragraphs 2 and 3, under "Food," in that it was short weight.

On August 21, 1925, Armour & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of a cash bond in the sum of \$75, said bond being conditioned in part that the product not be sold or otherwise disposed of contrary to law, and that it be made to conform with the food and drugs act under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13776. Misbranding of cold pressed cotton seed. U. S. v. Frio Cotton Oil Co. Plea of nolo contendere. Fine, \$100.** (F. & D. No. 19005. I. S. No. 12303-v.)

On November 15, 1924, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Frio Cotton Oil Co., a corporation, Pearsall, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 25, 1923, from the State of Texas into the State of Kansas, of a quantity of cold pressed cotton seed which was misbranded. The article was labeled in part: "Cold Presst Cotton Seed 100 Lbs. Net."

Examination by the Bureau of Chemistry of this department of 40 unopened sacks of the article showed an average net weight of 94.7 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Cotton Seed 100 Lbs. Net," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that the sacks each contained 100 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said sacks each contained 100 pounds of the article, whereas the sacks did not each contain 100 pounds of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the actual contents of the sacks was less than the declared amount.

On April 20, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13777. Adulteration of butter. U. S. v. 21 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20319. I. S. No. 5308-x. S. No. E-5433.)

On July 16, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 21 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned June 29, 1925, alleging that the article had been shipped by the Caspian Creamery Co., Greensboro, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted.

On July 21, 1925, F. A. Messer, Montpelier, Vt., having appeared as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*



**13778. Misbranding of corn meal. U. S. v. 100 Sacks, et al., of Corn Meal. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20076, 20077, 20078. I. S. Nos. 23808-v, 23809-v, 23810-v. S. Nos. C-4733, C-4734.)

On May 22, 1925, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 215 sacks of corn meal, remaining in the original unbroken packages in various lots at Alexandria and Natchitoches, La., respectively, alleging that the article had been shipped by the Taylor Mill & Elevator Co., from Marshall, Tex., in various consignments, namely, on or about April 9, 21, and 29, 1925, respectively, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Ta - Co Pearl Meal Manufactured By Taylor Mill & Elevator Co. Marshall, Texas, 24 Lbs. Net."

Misbranding of the article was alleged in substance in the libels for the reason that the packages containing the said article were short in weight, and the statement thereon "24 Lbs. Net," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 31 and August 17, 1925, respectively, the Taylor Mill & Elevator Co., Inc., Marshall, Tex., and the Avoyelles Wholesale Grocery Co., Ltd., Alexandria, La., having appeared as claimants for respective portions of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$300, in conformity with section 10 of the act, said decrees further providing that the product be properly labeled and resacked in accordance with law.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13779. Adulteration of tomato ketchup. U. S. v. 45 Cases of Tomato Ketchup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20130. I. S. No. 24437-v. S. No. E-5343.)

On June 22, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 45 cases of tomato ketchup, remaining in the original unbroken packages at Springfield, Mass., alleging that the article had been shipped by the W. N. Clark Co., from Rochester, N. Y., December 6, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "W. N. Clark Co. Tomato Ketchup \* \* \* Contents 7 Lbs."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13780. Misbranding of Dr. Lippi blood purifier tonic. U. S. v. 47 Bottles of Dr. Lippi Blood Purifier Tonic. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20087. S. No. E-5309.)

On May 28, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 47 bottles of Dr. Lippi blood purifier tonic, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by A. F. Lippi Laboratories, from Philadelphia, Pa., on or about April 22, 1925, and transported from the State of Pennsylvania into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of compounds of iron, arsenic, strychnine, potassium, and iodine, extracts from plant drugs including a laxative, alcohol, sugar, flavoring, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements, borne on the labels of the bottles and cartons containing the said article and in the accompanying circular, regarding its curative and therapeutic effects, were false and fraudulent: (Bottle) "Blood Purifier \* \* \* To Bring Impoverished Blood Back to Health. For Vigor and Strength. \* \* \* Rheumatism, Sciatica, Vertigo \* \* \* Torpid Liver, Indigestion, Anemia, Syphilis, Boils, Scrofula, Pimples, Nervousness, Insomnia, Headaches and other disorders are due to impurities in the blood. This Blood Purifier Tonic has the endorsement of physicians \* \* \* Conscientious use of this tonic according to directions will prove to you, in the recovery of your health, its wonderful merits"; (carton, English) "Blood Purifier \* \* \* To Bring Impoverished Blood Back to Health For Vigor and Strength \* \* \* For the treatment of Rheumatism, Sciatica, Vertigo, \* \* \* Torpid Liver, Anemia, Indigestion, Boils, Syphilis, Scrofula, Pimples, Insomnia, Headaches, Nervousness, and other impurities in the blood. \* \* \* Conscientious use of this tonic according to directions will prove to you in the recovery of your health, its wonderful merits"; (carton, Italian) "Purifier of the blood, used with great success in diseases of the stomach, kidneys, liver or of the intestines, in indigestion, \* \* \* acidity, gas, bad breath, eruptions, dizziness, poisoned blood, headache, stomach ache, rheumatism, sciatica, neuralgia, syphilis, diseases of the skin, hemorrhoids, lack of appetite, lassitude, nervousness, insomnia, pimples, anemia and disturbances of all kinds arising from impure blood. If you have felt sick for a long time and if you despair of recovering your former health, try a bottle \* \* \* and you will be sure to obtain the best results"; (circular, English) "The true treasure of life is Health! Healthy lives can be created only by healthy blood. The blood is the life-giving current of the body, the stream that carries vigor and pulsing energy to every nerve and muscle. It is logical then that this stream be kept free from impurities; for all poisonous toxins entering into, or created in the blood, are at once transmitted to the entire system, and fatigue, enervation and disease ensue. To these impurities of the blood medical science attributes rheumatism, sciatica, vertigo, scrofula, syphilis, boils, pimples, torpid liver, indigestion, nervousness, insomnia \* \* \* and many other enemies of human health and happiness. Keep the blood pure \* \* \* and you will enjoy a long, healthy, happy life. If you are suffering and wish to strengthen and purify your system take Dr. Lippi's Blood Purifier Tonic \* \* \* Give this wonderful tonic a chance to prove to you that it is everything that a medicine should be. \* \* \* Marvelous results"; (circular, Italian) "The true treasure of life—Health \* \* \* In order to have perfect health it is necessary to keep the blood pure, free from all impurities and capable of giving strength and energy to the organism. Many medical authorities properly attribute to impurities of the blood, rheumatism, sciatica, vertigo, indigestion, headache, syphilis, insomnia, hemorrhoids, scrofula, pimples, pain in the stomach, diseases of the skin, disorders of the kidneys, liver complaint and many other diseases \* \* \* To have pure blood \* \* \* signifies long life and happiness. \* \* \* Dr. Lippi Blood Purifier Tonic is certainly the best tonic purifier of the blood, called miraculous by every one. Why suffer! Now is the time to take a good treatment with this marvelous blood tonic, with the assurance that your organism will be replenished with new blood, new ardor, new life."

On September 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13781. Adulteration of canned cherries. U. S. v. 14 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20129. I. S. Nos. 14257-v, 14260-v. S. No. E-5345.)

On June 22, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 cases of canned cherries, remaining in the original unbroken packages at Boston, Mass., consigned by Gervas Canning Co., Fredonia, N. Y., alleging that the article had been shipped from Fredonia, N. Y., on March 13, 1925, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gervas Brand Red Sour Cherries Packed By Gervas Canning Co., Fredonia, N. Y."



Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, putrid, or decomposed vegetable substance. On September 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13782. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20236. I. S. No. 24184-v. S. No. E-5411.)**

On or about July 3, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 tubs of butter, consigned June 15, 1925, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Fox River Butter Co., from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fox River Butter Co. \* \* \* Phila. Pa.," and was invoiced "Butter."

Adulteration of the article was alleged in the libel for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and in that the statement "Butter" was false and misleading and deceived and misled the purchaser.

On or about August 4, 1925, the Fox River Butter Co., Inc., Philadelphia, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$660, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until reworked to contain 80 per cent of butterfat.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13783. Adulteration of canned corn. U. S. v. 675 Cases of Canned Corn. Consent decree of condemnation and forfeiture. Product released to be reprocessed. (F. & D. No. 19521. I. S. No. 20172-v. S. No. W-1633.)**

On or about January 26, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 675 cases of canned corn, remaining in the original unbroken packages at Sacramento, Calif., alleging that the article had been shipped by William Numsen & Sons, from Baltimore, Md., October 18, 1924, and transported from the State of Maryland into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Farm Queen Brand Sugar Corn Packed By Wm. Numsen & Sons Inc. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the said article.

On April 13, 1925, F. M. Ball & Co., San Francisco, Calif., having appeared as claimant for the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment of forfeiture was entered, said decree providing that the product might be released to the said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13784. Adulteration and misbranding of jellies. U. S. v. James A. Hamilton. Plea of guilty. Fine, \$25. (F. & D. No. 19274. I. S. Nos. 12627-v, 12628-v, 12629-v, 12630-v, 15185-v, 15186-v, 15187-v, 15188-v.)**

On February 16, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed

in the District Court of the United States for said district an information against James A. Hamilton, Philadelphia, Pa., alleging shipment by said defendant, in two consignments, namely, on or about March 25 and April 22, 1924, respectively, from the State of Pennsylvania into the State of Virginia, of quantities of jellies which were adulterated and misbranded. The articles were labeled in part, variously: "Hamilton's Pure Apple Jelly," "Hamilton's Pure Grape Jelly," "Hamilton's Pure Strawberry Jelly," and "Hamilton's Pure Currant Jelly."

Examination by the Bureau of Chemistry of this department of samples of the article showed that they were deficient in fruit and contained added pectin.

Adulteration of the articles was alleged in the information for the reason that products deficient in fruit and containing added pectin had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength and had been substituted in part for the said articles.

Misbranding was alleged for the reason that the statements, to wit, "Pure Apple Jelly," "Pure Grape Jelly," "Pure Strawberry Jelly," and "Pure Currant Jelly," borne on the jars containing the respective articles, were false and misleading, in that the said statements represented that the articles consisted of pure apple jelly, pure grape jelly, pure strawberry jelly, or pure currant jelly, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted of pure apple jelly, pure grape jelly, pure strawberry jelly, or pure currant jelly, as the case might be, whereas they did not so consist but did consist in part of products deficient in fruit and containing added pectin. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale and sold under the distinctive names of other articles.

On September 25, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13785. Adulteration and misbranding of heroin hydrochloride, morphine sulphate, and tincture opium. U. S. v. William H. Rorer. Pleas of guilty. Fines, \$150. (F. & D. Nos. 19596, 19622. I. S. Nos. 12754-v, 16033-v, 16036-v, 16042-v, 16124-v, 17140-v.)**

On May 11 and July 8, 1925, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against William H. Rorer, Philadelphia, Pa., alleging shipment by said defendant, in violation of the food and drugs act, on or about April 18, 1924, from the State of Pennsylvania into the State of Maryland, of a quantity of heroin hydrochloride, and on or about the respective dates of March 27, April 4, and August 26, 1924, from the State of Pennsylvania into the State of New Jersey, of various consignments of heroin hydrochloride, morphine sulphate, and tincture opium, all of which were adulterated and misbranded. The articles were labeled, variously, in part: "Tablet Triturate Heroin Hydrochloride 1/24 Grain \* \* \* William H. Rorer \* \* \* Philadelphia"; "Tablets Morphine Sulphate 1-8 Gr. \* \* \* Wm. H. Rorer Pharmaceuticals Philadelphia, Penna."; "Tincture Opium U. S. P. 9th Revision (Laudanum) \* \* \* Opium in each fld. oz. 45 6-10 gr. Standard, 1.25 Per Cent of Crystallizable Morphine \* \* \* William H. Rorer \* \* \* Philadelphia."

Analysis by the Bureau of Chemistry of this department of three samples of the heroin hydrochloride tablets, labeled 1/24 Grain, showed that they contained 0.0285, 0.0342, and 0.0334 grain, respectively, of heroin hydrochloride. Analysis by the above bureau of two samples of the morphine sulphate tablets, labeled 1/8 Gr., and one sample of the tincture of opium showed that the morphine sulphate tablets contained 0.101 and 0.108 grain, respectively, of morphine sulphate, and the tincture of opium contained 0.7 gram of anhydrous morphine per 100 mls, equivalent to 0.79 per cent of crystallizable morphine or 32 grains of granulated opium per fluid ounce.

Adulteration of the heroin hydrochloride tablets and the morphine sulphate tablets was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that each of the said heroin hydrochloride tablets was represented to contain 1/24 grain of heroin hydrochloride, and each of the said morphine sulphate tablets was represented to contain 1/8 grain of morphine sulphate, whereas the said articles contained less than so represented. Adulteration of



the tincture opium was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation, in that it yielded approximately 0.70 of a gram of anhydrous morphine per 100 mils, whereas said pharmacopœia provided that tincture of opium should yield not less than 0.95 of a gram of anhydrous morphine per 100 mils, and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding of the heroin hydrochloride tablets and the morphine sulphate tablets was alleged for the reason that the statements, to wit, "Tablet Triturate Heroin Hydrochloride 1/24 Grain" and "Tablets Morphine Sulphate 1-8 Gr.," borne on the labels of the bottles containing the respective products, were false and misleading, in that the said statements represented that each of said tablets contained 1/24 grain of heroin hydrochloride, or 1/8 grain of morphine sulphate, as the case might be, whereas each of the said tablets contained less heroin hydrochloride, or less morphine sulphate, than declared in the labels. Misbranding of the tincture opium was alleged for the reason that the statement, "Tincture Opium U. S. P. 9th Revision \* \* \* Opium in each fld. oz. 45 6-10 gr. Standard, 1.25 Per Cent of Crystallizable Morphine," borne on the label, was false and misleading, in that it represented that the article was tincture opium which conformed to the United States Pharmacopœia, 9th Revision, and that it contained in each fluid ounce 45.6 grains of opium and 1.25 per cent of crystallizable morphine, whereas it was not tincture opium which conformed to the United States Pharmacopœia, 9th Revision, it did not contain 45.6 grains of opium in each fluid ounce but did contain a less amount, and it did not contain 1.25 per cent of crystallizable morphine but did contain a less amount.

On September 25, 1925, the defendant entered pleas of guilty to the informations, and the court imposed fines in the aggregate amount of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13786. Adulteration and misbranding of canned tuna fish. U. S. v. 7 Cases of Tuna Fish. Default order of destruction entered.** (F. & D. No. 19921. I. S. No. 16254-v. S. No. E-5197.)

On March 26, 1925, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 cases of tuna fish, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the M. de Bruyn Importing Co., from New York, N. Y., on or about December 2, 1924, and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "California Tuna Standard All Light Meat."

Adulteration of the article was alleged in the libel for the reason that a substance, yellowtail, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statement "California Tuna Standard All Light Meat," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On August 7, 1925, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13787. Adulteration of shell eggs. U. S. v. 384 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20423. I. S. No. 1405-x. S. No. C-4796.)

On or about August 25, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 384 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Stensvad Poultry Co., from North Platte, Nebr., August 19, 1925, and trans-

ported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

During the month of September, 1925, W. E. Sage, Chicago, Ill., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the eggs be candled under the supervision of this department, the bad portion destroyed, and the good portion released.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13788. Misbranding of canned corn. U. S. v. 60 Cases of Canned Corn. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20096. I. S. No. 15655-v. S. No. E-5205.)**

On June 22, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 cases of canned corn, at Youngstown, Ohio, alleging that the article had been shipped by A. L. Brahm Co., Pittsburgh, Pa., on or about April 13, 1925, and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Nun-So-Good Brand Sugar Corn Contents 1 Lb. 4 Oz. Packed By New Vienna Canning Co. New Vienna, Ohio."

Misbranding of the article was alleged in the libel for the reason that the statement "Contents 1 Lb. 4 Oz.," borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 15, 1925, C. Tornello & Co., Youngstown, Ohio, having appeared as claimant for the property and having executed a bond in the sum of \$200, to insure the relabeling of the product, judgment of condemnation was entered, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings, and that it be brought into compliance with the law under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13789. Misbranding of butter. U. S. v. 71 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20262. I. S. No. 1901-x. S. No. C-4777.)**

On July 2, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 71 cases of butter, at Memphis, Tenn., alleging that the article had been shipped by the Pine Bluff Creamery Co., from Pine Bluff, Ark., June 11, 1925, and transported from the State of Arkansas into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Jersey Creamery Butter One Pound Net \* \* \* Pine Bluff Creamery Butter \* \* \* Pine Bluff, Ark."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 21, 1925, the Pine Bluff Creamery Co., Pine Bluff, Ark., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, said bond providing that the product be reconditioned or relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*



**13790. Adulteration and misbranding of vinegar. U. S. v. 95 Bottles of Vinegar. Default order of destruction entered.** (F. & D. No. 14128. I. S. Nos. 9221-t, 9222-t, 9223-t. S. No. E-3027.)

On January 3, 1921, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 95 bottles of vinegar, remaining in the original packages at Augusta, Ga., alleging that the article had been shipped by Price-Booker Mfg. Co., from Cawthorn, Ala., on or about June 16, 1920, and transported from the State of Alabama into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mission Brand Pure Apple Vinegar Prepared By Price-Booker Mfg. Co. Andalusia, Ala."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that distilled vinegar had been mixed with the article in a manner whereby damage and inferiority was concealed.

Misbranding was alleged for the reason that the statement borne on the labels, "Pure Apple Vinegar," was false and misleading and deceived and misled purchasers, since the said article consisted partly of distilled vinegar, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, pure apple vinegar.

On August 17, 1925, no claimant having appeared for the property, a decree of the court was entered, ordering that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13791. Adulteration and misbranding of olive oil. U. S. v. 150 Cans, et al., of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20013, 20014. I. S. Nos. 13946-v to 13950-v, incl. S. Nos. E-5292, E-5296.)

On April 21, 1925, the United States attorney for the District of Maine, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 166 gallon cans, 54 half-gallon cans, and 150 quart cans, of olive oil, at Portland, Me., alleging that the article had been shipped by Pace & Sons, from Boston, Mass., in various consignments, namely, on or about February 4 and 20 and March 2 and 28, 1925, respectively, and transported from the State of Massachusetts into the State of Maine, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Pure Italian Olive Oil. \* \* \* Contents One Quart" (or "Contents One Half Gallon" or "Contents One Full Gallon").

Adulteration of the article was alleged in the libels for the reason that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged in substance for the reason that the following statements borne on the labels: "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona A Mare (Italy) Products of Italy," (English and Italian) "This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis. \* \* \* For \* \* \* Medicinal Use," together with a cut of a castle, and olive sprays bearing olives, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was falsely branded as to the country in which it was manufactured or produced, since it purported to be a product of Italy, whereas it was not, and for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the alleged gallon cans of the product for the further reason that the statement "Contents One Full Gallon," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 5, 1925, Pace & Sons, Providence, R. I., claimants, having admitted the allegations of the libels and consented to the entry of decrees, judgments

of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$400, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13792. Misbranding of butter. U. S. v. 30 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond (F. & D. No. 20402. I. S. No. 119-x. S. No. W-1768.)**

On August 18, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 cases of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been prepared for shipment by the Consolidated Dairy Products Co., Seattle, Wash., in interstate commerce from the State of Washington into the Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Two-pound tin) "Darigold Brand Creamery Butter Two Pounds Net Best Creamery Butter Manufactured By United Dairy Association Of Washington, Seattle, Wash."

It was alleged in the libel that the article was misbranded under section 8 of said act, paragraphs 2 and 3, under "Food," in that it was short weight.

On September 9, 1925, the Consolidated Dairy Products Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department, to show the correct weight.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13793. Misbranding of tankage. U. S. v. 290 Sacks of Hyklass Digester Tankage. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18532. I. S. No. 17713-v. S. No. C-4324.)**

On April 16, 1924, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 290 sacks of Hyklass digester tankage, remaining in the original unbroken packages at Mount Pleasant, Iowa, alleging that the article had been shipped by the Rogers By-Products Co., Aurora, Ill., on or about February 27, 1924, and transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Hyklass Digester Tankage Guaranteed Analysis Protein 60% \* \* \* Made By Rogers By-Products Co., Aurora, Ill."

Misbranding of the article was alleged in the libel for the reason that the designation "Protein 60%," borne on the label, was false and misleading and deceived and misled the purchaser, since the said article contained less than 60 per cent of protein.

On November 13, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold without label by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13794. Misbranding of evaporated apples. U. S. v. 64 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19954. I. S. No. 16404-v. S. No. E-5265.)**

On April 6, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 64 cases of evaporated apples, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Aspegren Fruit Co., from Sodus, N. Y., in various consignments, namely, on or about November 24 and December 4 and 12, 1924, respectively, and transported from the State of New York into the State of Florida, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Victor Brand Evaporated Apples



\* \* \* Contents 6 Oz. Net \* \* \* Packed By The Aspegren Fruit Co. Sodus, N. Y."

Misbranding of the article was alleged in the libel for the reason that the statement, "Contents 6 Oz. Net," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 27, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13795. Misbranding and alleged adulteration of butter. U. S. v. 86 Cartons of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20342. I. S. No. 2110-x. S. No. C-4800.)

On August 1, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 86 cartons, each containing 30 pounds, of butter, at Cleveland, Ohio, alleging that the article had been shipped by the Cadillac Produce Co., Cadillac, Mich., on or about July 22, 1925, and transported from the State of Michigan into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that certain substances, namely, water and salt, had been mixed therewith so as to reduce or lower or injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of butter, and for the further reason that it was labeled and branded so as to deceive or mislead the customer, and the package bore statements regarding the ingredients thereof which were false and misleading.

On August 1, 1925, the Cadillac Produce Co., Cadillac, Mich., having appeared as claimant for the property and having admitted the allegations of the libel, a decree of condemnation and forfeiture was entered, adjudging the product to be misbranded, and it was ordered by the court that the said product be released to the claimant upon the execution of a bond in the sum of \$2,000, conditioned in part that it be rectified under the supervision of this department, so that its quality conform with the requirements of the law.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13796. Misbranding of butter. U. S. v. 27 Cases and 22 Cases of Butter. Product ordered released under bond.** (F. & D. No. 20335. I. S. Nos. 3642-x, 3643-x. S. No. C-4799.)

On July 27, 1925, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 49 cases of butter, at Mobile, Ala., alleging that the article had been shipped by the King Ice Cream & Creamery Co., from West Point, Miss., in two consignments, namely, on or about July 23 and 24, 1925, respectively, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. One shipment of the article was labeled in part: (Case) "30 Lbs. Net," (carton) "Net Weight One Pound When Packed." The other shipment of the said article was labeled in part: (Case) "Net Wt. 30 Lbs. King's 'Perfection' Creamery Butter King Ice Cream & Creamery Co., West Point—Miss."

Misbranding of the article was alleged in substance in the libels for the reason that the statement "Net Weight One Pound When Packed," borne on the cartons containing a portion of the product, and the statement "Net Wt. 30 Lbs.," borne on the containers of the remainder thereof, were false and misleading and deceived the purchaser, in that the contents of the said containers was less than 1 pound or 30 pounds of the article, as the case might be. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the cartons containing a portion of the product nor on the wrappers containing the remainder.

On July 29, 1925, the King Ice Cream Co., Mobile, Ala., having appeared as claimant for the property and having paid the costs of the proceedings and executed good and sufficient bonds as required by law, decrees of the court were entered, ordering that the product be released to the said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13797. Misbranding of meat scrap. U. S. v. 26 Sacks of Meat Scrap. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20331. I. S. No. 8652-x. S. No. E-5452.)**

On August 10, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 26 sacks of meat scrap, remaining in the original unbroken packages at Germantown, Md., consigned on or about July 2, 1925, alleging that the article had been shipped by F. W. Bolgiano, Washington, D. C., and transported from the District of Columbia into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Bone & Meat Scrap Guaranteed Analysis Protein 50% \* \* \* Manufactured For F. W. Bolgiano & Co., Washington, D. C."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis Protein 50%," borne on the labels, was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained 50 per cent of protein, whereas, in truth and in fact, it contained a less amount.

On September 11, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13798. Misbranding of concentrated buttermilk. U. S. v. 380 Cases of Concentrated Buttermilk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19048. I. S. No. 18616-v. S. No. C-4499.)**

On October 9, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 380 cases of concentrated buttermilk, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Consolidated Products Co., from Milwaukee, Wis., on or about February 8, 1924, and transported from the State of Wisconsin into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Hunt's Concentrated Buttermilk \* \* \* Manufactured By Consolidated Products Co., Chicago. Minimum Net Weight Seven Pounds, Eight Ounces."

Misbranding of the article was alleged in the libel for the reason that the statement "Minimum Net Weight Seven Pounds, Eight Ounces," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 22, 1925, the Consolidated Products Co., Chicago, Ill., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, said decree further providing that the product be relabeled in compliance with the law.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13799. Adulteration of Nectar Pinita (pineapple nectar). U. S. v. Rafael Cabanas (La Oriental Carbonic Water Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19597. I. S. No. 3548-v.)**

On March 16, 1925, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Rafael Cabanas, trading as La Oriental Carbonic Water Co., Santurce, P. R., alleging that on or about March 28, 1924, the said defendant did manufacture in the Territory of Porto Rico a quantity of Nectar Pinita (pineapple nectar) which was adul-



terated in violation of the food and drugs act. The article was labeled in part: (Bottle) "La Oriental Carbonic Water Co. \* \* \* Santurce, P. R. Nectar Pinita."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, saccharin, had been substituted in part for Nectar Pinita, to wit, pineapple nectar, which the said article purported to be, and for the further reason that it contained an added deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

On August 31, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13800. Adulteration and misbranding of vinegar. U. S. v. 90 Barrels, et al., of Vinegar. Decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15502, 15664, 15665, 15739, 15740. I. S. Nos. 3515-t, 3540-t, 3541-t, 3542-t, 3579-t, 3580-t, 3582-t, 3583-t. S. Nos. C-3278, C-3326, C-3327, C-3373, C-3374.)

On October 26, November 28 and 29, and December 17, 1921, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 657 barrels of vinegar, at Duluth, Minn., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., in various consignments, namely, on or about September 1, October 21, and November 5, 11, and 14, 1921, respectively, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, variously: "Apple Cider Vinegar," "Apple Cider Vinegar Made from Selected Apples," or "Douglas Packing Co. Apple Cider Vinegar Made From Selected Apples \* \* \* Rochester, N. Y."

Adulteration of the article was alleged in the libels for the reason that evaporated or dried apple products vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged with respect to all the product for the reason that it was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the statement "Apple Cider Vinegar Made From Selected Apples," borne on the labels of 400 barrels of the product, was false and misleading and deceived and misled the purchaser, and in that the statements "Apple Cider Vinegar" or "Apple Cider Vinegar Made From Selected Apples," as the case might be, borne on the labels of the remaining 257 barrels, deceived and misled the purchaser. Misbranding was alleged with respect to 90 barrels of the product for the further reason that the statement "Apple Cider Vinegar Made from Selected Apples" was false and misleading and deceived and misled the purchaser, in that the product in the said 90 barrels contained barium.

On June 30, 1925, the cases having come on for final disposition and the claimant, the Douglas Packing Co., Rochester, N. Y., having offered no objection to the destruction of the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

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Corn, canned :		Shellfish, oysters :	
Brahm, A. L., Co-----	13788	Leiding, H. G., Co-----	13774
New Vienna Canning Co-----	13788	St. Michaels Packing Co-----	13763
Numsen, Wm., & Sons-----	13783	Shrimp :	
Corn meal :		Marine Products Co-----	13758
Taylor Mill & Elevator Co-----	13778	Pelican Lake Oyster & Packing	
Cotton seed. <i>See</i> Feed.		Co-----	13758
Cottonseed meal. <i>See</i> Feed.		Strawberry jelly. <i>See</i> Jelly.	
Currant jelly. <i>See</i> Jelly.		Tankage. <i>See</i> Feed.	
Eggs :		Tincture opium :	
Oesterich, B. A-----	13768	Rorer, W. H-----	13785
Stensvad Poultry Co-----	13787	Tomato ketchup :	
Vogt, L. R-----	13767	Clark, W. N., Co-----	13779
Euca-Mul :		paste :	
Binz, Edward G., Co-----	13764	New Central Canning Co-----	13769
Feed cotton seed :		puree :	
Frio Cotton Oil Co-----	13776	Silver, Wm., & Co-----	13756
cottonseed meal :		Tuna fish. <i>See</i> Fish.	
Ashcraft-Wilkinson Co-----	13771	Vinegar :	
Chickasha Cotton Oil Co-----	13762	Douglas Packing Co-----	13800
meat scrap :		Price-Booker Mfg. Co-----	13790
Bolgiano, F. W-----	13797		
tankage :			
Rogers By-Products Co-----	13793		